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10		
11	UNITED STATE	S DISTRICT COURT
12	CENTRAL DISTRICT OF CAI	LIFORNIA – WESTERN DIVISION
13	MARK SNOOKAL, an individual,	Case No. 2:23-cv-6302-HDV-AJR
14	Plaintiff,	DEFENDANT CHEVRON U.S.A. INC.'S STATEMENT OF UNCONTROVERTED
15	VS.	FACTS AND GENUINE DISPUTES IN SUPPORT OF DEFENDANT'S MOTION FOR
16	CHEVRON USA, INC., a California Corporation, and DOES 1 through 10, inclusive,	
17	Defendants.	JUDGMENT AND PLAINTIFF MARK SNOOKAL'S STATEMENT OF
18	Defendants.	UNCONTROVERTED FACTS AND GENUINE DISPUTES IN OPPOSITION TO
19		DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
20		[Filed concurrently with Notice of Motion; Joint
21		Brief re Defendant's Motion for Summary Judgment; Joint Appendix of Declarations and
22		Written Evidence; and [Proposed] Judgment granting Defendant's Motion for Summary
23		Judgment]
24		Hearing: December 5, 2024 Time: 10:00 a.m.
25		Place: Courtroom 5B – 5th Floor Judge: Hon. Hernán D. Vera
26		
27		Action Filed: August 3, 2023 Trial Date: February 4, 2025
28	SMRH:4857-6079-4098.2 DE	-1- FENDANT'S STATEMENT OF UNCONTROVERTED FACTS
		SUPPORT OF MOTION FOR SUMMARY HIDGMENT AND

DEFENDANT'S STATEMENT OF

UNCONTROVERTED FACTS AND GENUINE DISPUTES

Undisputed Fact	Status	Opposition	Reply
1. Plaintiff Mark Snookal ("Plaintiff") was hired by Defendant Chevron U.S.A. Inc. ("Chevron U.S.A.") on January 12, 2009 as an Analyzer Engineer. Ex. E, Transcript of Plaintiff's Deposition ("Pl. Dep. Tr."), 17:12-15, 19:20-24, 20:21-21:2.	Undisputed	However, Defendant's citation to Plaintiff's deposition transcript is inaccurate. Plaintiff identifies his employer as "Chevron" not "Chevron USA." Plaintiff testified: "A They have a very complicated corporate structure, so I don't actually know —" Pl. Dep. Tr. 31:24-32:2	This fact is undisputed.
2. Plaintiff was promoted to the position of Instrumentation, Electrical, and Analyzer Reliability ("IEAR") Team Lead in the Reliability subgroup of the Maintenance department, from November 2016, through November 2019, with pay salary grade 22.	Undisputed	Bop. 11. 31.2 32.2	
Pl. Dep. Tr., 30:2-31:14.			
3. In or around May 2019, Plaintiff applied for the Reliability Engineering Manager ("REM") position, which was an expatriate position with an estimated potential duration of 3-4 years located in Escravos, Nigeria, with pay salary grade 22.	Undisputed that Plaintiff applied for a position in Escravos, Nigeria in May 2019.	Defendant's citation to Plaintiff's deposition transcript is inaccurate in that the deposition testimony cited does not support the remainder of the facts.	The "Assignment Offer' to Plaintiff indicates the REM position had pay salary grade 22, with an estimated potential duration of 3-4 years. Pl. Dep. Tr., 36:23-37:8, Ex. E-1; Pl. Dep. Tr., 38:20-23.
Pl. Dep. Tr., 35:9-13.	Disputed	Defendant's citation to	The "Assignment Offer
4. The REM position was	Disputed	Detenuant's citation to	The "Assignment Offer

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Reply

(Ex. E-1) states that the SBU, or Strategic Business Unit, for the position is Nigeria Mid-Africa.

Pl. Dep. Tr., 36:23-37:8, Ex. E-1.

Plaintiff's citation to testimony by Dr. Levy and Mr. Powers misrepresents their testimony and does not create a genuine dispute of fact. Neither testified that Plaintiff would have remained employed by Chevron U.S.A. Inc., nor did they testify about which entity would be Plaintiff's employer had Plaintiff taken the REM position.

Dr. Levy testified that he is "just not completely aware" which corporate entity or business he worked under over his "several assignments with the company." (Pl. Ex. 12, Dr. Mark Levy Deposition Transcript ["Levy Dep. Tr."], 12:15-13:3.) Mr. Powers testified that he is not aware whether Chevron U.S.A. was his employer during his own expatriate assignments. (Pl. Ex. 14, Andrew Powers Deposition

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27

Undisputed Fact	Status	Opposition	Reply
			Transcript ["Powers Dep. Tr."], 19:24-20:6, 21:9-15.)
5. On or about July 9, 2019, Plaintiff was conditionally awarded the REM position, contingent upon Plaintiff obtaining the appropriate work authorization and successfully passing a Medical Suitability for Expat Assignment ("MSEA"). Pl. Dep. Tr., 36:19-37:24, Ex. E-1; Pl. Dep. Tr., 45:14-24.	Undisputed	Defendant's citation to Plaintiff's deposition transcript is inaccurate in that Exhibit E-1 "Assignment Offer" refers to the offer as "contingent" rather than "conditional."	This fact is undisputed. Plaintiff's objection to the use of the word "contingent" vs. "conditional" is semantic. According to Merriam-Webster, contingent means "dependent or conditioned by something else," and conditional means "subject to, implying, or dependent upon a condition."
6. As part of the procedure, all expatriate candidates must pass medical clearance with the local medical team at the location of the job site, and the local team makes the final determination as to medical fitness for duty.	Partially disputed as to "the local team makes the final determination as to medical fitness for duty."	The local medical team in Nigeria, including Dr. Asekomeh, reported to the local medical director, Dr. Arenyeka, who in turn reported to Chevron's Human Resources.	Plaintiff's citation misrepresents testimony by Dr. Levy, and does not create a genuine dispute of fact. Dr. Lev actually testified that Dr Arenyeka, the <i>medical director in Nigeria</i> , reports to the human
Declaration of Dr. Scott Levy ("Levy Decl.") ¶ 2; see also Pl. Dep. Tr., 43:15-45:24.		Levy Dep. Tr. at 37:4-38:1.	resourwces department for the <i>Nigeria Mid Africa business unit</i> . (Levy Dep. Tr. 37:4-38:11 [emphasis added].)
7. The MSEA standard for medical clearance is based on the MSEA Location Clusters Table, which evaluates the relative level of safety in terms of medical care in categories from the highest "A" to the least "D," taking into account the promptness	Undisputed		

				I
1	Undisputed Fact	Status	Opposition	Reply
2	and availability of medical			
3	care in those countries.			
4	Levy Decl. ¶ 3, Ex. A.			
5	8. Under the MSEA	Undisputed		
6	categories, Nigeria is split into categories "C" and "D".			
7	Lagos, the former capital of Nigeria, falls under "C,"			
8	whereas all other locations within Nigeria, including			
9	Escravos, falls under "D,"			
10	reflecting the lowest level of available medical care.			
11	Levy Decl. ¶ 3, Ex. A.			
12	9. The healthcare system	Undisputed		
13	infrastructure in Escravos,	Ondisputed		
14	Nigeria is not set up to handle complex cases, with limited			
15	internal health support, and external health care resources			
16	for tertiary level care are very			
17	limited are very limited:			
18	• There are only two clinics in Escravos – the			
19	Escravos Joint Venture ("JV") Clinic and the			
20	Escravos Gas to Liquids ("EGTL") clinic, with at			
21	most three doctors (one in Escravos, two at EGTL).			
22	At these clinics, there are no surgeons, and only			
23	minor procedures can be performed, including			
24	minor sutures for lacerations, and handling			
25	minor illnesses. • The clinics cannot			
26	perform blood transfusions and cannot			
27	provide other acute			

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1	Undisputed Fact	Status	Opposition	Reply
2	surgical care.			
3	 Individuals with any serious medical condition must be evacuated to 			
4	Lagos or Warri.			
5	For serious cardiac events requiring surgery, the closest cardiothoracic			
6	surgeon works for the			
7	government hospital in Benin, approximately 100			
8	kilometers away from Escravos, who must travel			
9	from Benin or to whom the patient must be			
10	transferred for treatment.			
11	Declaration of Dr. Eshiofe Asekomeh ("Asekomeh			
12	Decl.") ¶¶ 4-5.			
13	10. The facility in Escravos, Nigeria is in an isolated	Partially disputed	The facility in Escravos, Nigeria is	Objection: Lacks foundation/personal
14	swamp located on a river	disputed	not "only accessible by	knowledge (Federal
15	coast only accessible by helicopter or by boat, making		helicopter or boat." Fixed wing planes are	Rules of Evidence ["FRE"] 602).
16	regular and emergency access		also used to transport	,
17	in and out of the facility difficult:		employees in and out of the location,	Plaintiff has never been to Escravos and lacks
18			including to transport	personal knowledge
19	Helicopters are not always available for transport. The state of		them when rotating in or out of their	about transportation available in and out of
20	• There are no roads in or out of Escravos.		assignment. Snookal Decl. at 21.	Escravos.
	• In the event of bad weather in Escravos or			Even if taken as true and
21	Lagos, medical evacuation could take			admissible, Plaintiff's opposition is immaterial
22	more than four hours.Escravos has bad weather			and does not create a genuine dispute of fact.
23	up to 50% of the time, as does Lagos during its			Plaintiff has proffered no
24	rainy season of April through October.			evidence indicating that the fixed wing planes are
25	_			more available or
26	Asekomeh Decl. ¶¶ 6-7.			provide better access to Escravos than by
27				helicopter or by boat.

1	Undisputed Fact	Status	Opposition	Reply
2	11. As part of the MSEA procedure, Plaintiff disclosed	Undisputed		
3	on the "Standard Medical			
4	Suitability for Expatriate Assignment History &			
5	Physical Examination" form			
6	(the "MSEA form") that he had a dilated aortic root,			
7	otherwise known as a			
	thoracic aortic dilatation or aneurysm, which was			
8	diagnosed in or about 2014 to			
9	2015.			
10	Pl. Dep. Tr., 45:25-46:24, Ex.			
11	E-3; Pl. Dep. Tr., 19:5-14, 46:25-48:14; Asekomeh			
12	Decl. ¶ 8.			
13	12. Plaintiff saw his	Disputed	Defendant's citation to	Plaintiff does not
14	cardiologist, Dr. Steven	2 13p 1111	Plaintiff's deposition	actually dispute he had a
15	Khan, annually for his condition, because a dilated		transcript is inaccurate. The MSEA form (Ex-	dilated aortic root or that surgery would resolve
	aortic root cannot be treated		3) and Plaintiff's	the condition, which
16	without open heart surgery, which Plaintiff has not had to		testimony states "I have a dilated aortic	Plaintiff admits he has not had. (Pl. Dep. Tr.
17	date.		root. I am under the	52:15-23.)
18	Pl. Dep. Tr., 45:25-46:24, Ex.		care of a cardiologist and see him once per	Plaintiff's opposition
19	E-3; Pl. Dep. Tr., 47:21-48:5,		year for a checkup. I	merely adds additional,
20	52:15-23.		have consulted with him on this	immaterial details supporting that he saw
21			assignment, and he	Dr. Khan annually for
22			sees no issues with it." Pl. Depo Tr., 47:21-	his condition. (DUF 12.)
23			48:5, Exh. E-3.	
			Plaintiff's dilated	
24			aortic root is being treated/managed	
25			without surgery, and	
26			the treatment recommendations for	
27			recommendations for	

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1	Undisputed Fact	Status	Opposition	Reply
2			Mr. Snookal are to	
3			have annual scans and to continue to take his	
4			medications as	
			directed. Surgery is not recommended for Mr.	
5			Snookal's because of	
6			the size and stability of	
7			his thoracic aneurysm over time.	
8			Marmureanu Decl. at	
9			Exh. 11 at p. 7 ("Aneurysms typically	
·			become clinically	
10			significant and warrant surgical intervention	
11			when they become	
12			around 5.5 cm, OR if there is a rapid increase	
13			in size) These	
14			conditions are not relevant in Mr.	
15			Snookal's case.";	
			Asekomeh Dep. Tr. at	
16			104:11-20; see also Snookal Dep. Tr. at	
17			48:6 – 49:23.	71
18	13. Plaintiff's heart condition did not impact his day-to-day	Partially disputed as to	Mr. Snookal required a reasonable	Plaintiff's citation to a self-serving declaration
19	ability to work, nor did	Mr. Snookal's	accommodation for his	cannot supersede his
20	Plaintiff need any sort of accommodation for his heart	need for an accommodation	heart condition after Chevron rescinded the	admission in deposition testimony to create a
21	condition during his	after Defendant	REM position from	genuine dispute of fact.
	employment.	rescinded the REM position.	him, and he therefore required reassignment	Van Asdale v. Int'l Game Tech., 577 F.3d 989, 998
22	Pl. Dep. Tr., 53:24-54:1,	r	to another position.	(9th Cir. 2009) (citing
23	95:10-13.		Snookal Decl. at 23;	authority) ("a party cannot create an issue of
24			DUF at 28, 34.	fact by an affidavit
25				contradicting his prior deposition testimony").
26				
27				Plaintiff admitted that he
- 1				

		La		
1	Undisputed Fact	Status	Opposition	Reply
2				did not need any sort of
3				accommodation during his employment. (Pl.
4				Dep. Tr. 95:10-13.)
5				Additionally, Plaintiff's
				declaration does not
6				support the cited fact in his opposition—it only
7				states he had to "find a
8				new position" after the REM offer was
9				rescinded, not that he
10				required an accommodation.
11	14. Plaintiff's cardiologist	Disputed	Defendant's citation to	Plaintiff's opposition
12	could not predict whether Plaintiff's aortic root would		Plaintiff's deposition transcript is inaccurate	cites to the same testimony cited in DUF
	remain stable or continue to		"There were some	14. As noted in
13	expand to an operable size, and Plaintiff's aortic root was		years when it grew at a low rate and other	Plaintiff's opposition, in
14	at times stable and at times		years where it had	some years "it grew at a low rate" and in other
15	expanding since his		remained stable. I	years "it had remained
16	diagnosis.		believe at the time I applied it had been	stable." (Pl. Dep. Tr., 49:2-50:3.)
	Pl. Dep. Tr., 48:25-50:3,		stable for two or three	1 7.2-30.3.)
17	53:10-12.		years." Pl. Dep. Tr.,	Additionally, Plaintiff
18			49:2-50:3	does not dispute his own testimony, that Dr. Khan
19			Changes to Mr.	told him "there's no way
20			Snookal's aortic aneurysm could be	to accurately predict" whether Plaintiff's
21			monitored with annual	condition would stop
			echocardiogram and CT scans. ("Annual	expanding or whether it would expand to an
22			imaging with CT scans	operable point. (Pl. Dep.
23			or echocardiograms is	Tr. 48:25-49:11.)
24			sufficient to continue monitoring Mr.	Plaintiff is only relaying information he was told
25			Snookal's aorta for any	by Dr. Khan, and is not
26			changes. This approach is consistent with	expressing any expert or specialized opinion.
			standard practice for	specialized opinion.
27				

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1	Undisputed Fact	Status	Opposition	Reply
$2 \parallel$			stable aortic aneurysms	Plaintiff's opposition
			and aortic root	merely adds additional,
3			dilations of this size."	immaterial details about
4			Marmureanu Decl. at	how any expansion of
			Exh. 11 Pg. 8; see also	the aortic root could be
5			Asekomeh Dep. Tr. at 104:11-20.	monitored for changes.
6			O1: 4: M C 1.1	Objection to Dr.
7			Objection: Mr. Snookal is a lay witness and	Marmureanu's Report: Irrelevant (FRE 402);
			cannot express	Lacks foundation/
8			opinions based upon	personal knowledge
9			scientific, technical, or	(FRE 602); Hearsay
10			other specialized	(FRE 801); Unreliable
10			knowledge within the	expert opinion (FRE
11			scope of FRE 702.	702).
12	15. Rupture or dissection of	Disputed	Defendant's citation to	Dr. Asekomeh, who
13	Plaintiff's aortic root was not		Plaintiff's deposition	during the relevant time
	predictable and that it was not possible to isolate triggers to		transcript is inaccurate in that the deposition	period was an Occupational Health
14	reduce the risk of an		testimony does not	Physician at Chevron
15	occurrence.		support the facts cited.	Hospital in Warri,
				Nigeria, is an expert
16	Asekomeh Decl. ¶¶ 8, 10; see		Objection: Asekomeh's	witness who may rely on
17	also Pl. Dep. Tr., 89:3-11,		Decl. at 8 lacks	the opinions of other
	89:20-90:14, Ex. E-7; Pl. Dep. Tr., 110:20-23.		foundation, (FRE 602) and is based on	expert witnesses, i.e.,
18	Dep. 11., 110.20-23.		inadmissible hearsay	cardiologists Drs. Adeyeye and Akintunde,
19			(FRE 802): "Drs	in forming his opinion.
			Adeyeye and	(FRE 703.)
20			Akintunde	
21			independently reviewed Mr.	Plaintiff's opposition does not raise a genuine
22			Snookal's medical	issue of fact based on his
			records and opined that	own admission. See
23			if Mr. Snookal were to	DUF 14.
24			experience an aortic event in Escravos, it	Plaintiff's citation to Dr.
			would likely lead to his	Marmureanu's
25			death, given the limited	declaration does not
26			medical resources in	create a genuine issue of
			Escravos."	fact, because it merely
27				

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1	Undisputed Fact	Status	Opposition	Reply
2			Dr. S. Khan opined in	adds additional, immaterial details about
			his email that, <i>inter</i> alia, "It is safe for	how any expansion of the aortic root could be
4			[Snookal] to work in	monitored for changes,
5			Nigeria with his heart	but does not dispute that
6			condition. His	a rupture or dissection is unpredictable; or that
			condition is under good control and no special	triggers for a rupture or
7			treatments are needed."	dissection can be
8			Snookal Decl. at 9,	isolated.
			Exh. 3 (July 29, 2019	
9			letter from Dr. S. Khan	Objection: Plaintiff's
$0 \parallel$			Re: Mr. Snookal).	citation to statements made by Dr. Khan is
			Changes to Mr.	inadmissible hearsay
1			Snookal's aortic	when cited for the truth
$2 \parallel$			aneurysm could be	of the matters asserted.
\mathbf{a}			monitored with annual	(FRE 801.)
3			echocardiogram and	01: 4: 4 D
4			CT scans. ("Annual imaging with CT scans	Objection to Dr. Marmureanu's Report:
ا ے			or echocardiograms is	Irrelevant (FRE 402);
5			sufficient to continue	Lacks foundation/
6			monitoring Mr.	personal knowledge
٦			Snookal's aorta for any	(FRE 602); Hearsay
7			changes. This approach	(FRE 801); Unreliable
$8 \parallel$			is consistent with	expert opinion (FRE
٨			standard practice for stable aortic aneurysms	702).
9			and aortic root	
$0 \parallel$			dilations of this size."	
$_{1}\Vert$			Marmureanu Decl. at	
1			Exh. 11 Pg. 8.	
2			Objection Mr. Spectral	
$_{3}\Vert$			Objection: Mr. Snookal is a lay witness and	
			cannot express	
4			opinions based upon	
5			scientific, technical, or	
			other specialized	
6			knowledge within the scope of FRE 702.	
$_{7}\ $			scope of FRE 102.	

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1	Undisputed Fact	Status	Opposition	Reply
2	16. Any medical evacuation	Disputed	Access to and from	Objection: Lacks
3	in Escravos would depend on		Escravos is also	foundation/personal
	the availability of a helicopter and whether the weather		available by fixed wing plane such as those	knowledge (Federal Rules of Evidence
4	permitted an evacuation, so a		used to transport	["FRE"] 602); Hearsay
5	rupture or dissection in		employees in and out	(FRE 802);
	Escravos would likely result		of their rotational	
6	in Plaintiff's death.		assignments. Snookal	Plaintiff has never been
7	Asekomeh Decl. ¶¶ 6-7, 9.		Decl. at 8.	to Escravos and lacks personal knowledge
8			Asekomeh's	about transportation
			declaration does not	available in and out of Escravos.
9			evidence that rupture or dissection is	Escravos.
10			automatically fatal,	Even if taken as true and
11			even without	admissible, Plaintiff's
			immediate medical care. Objection: Lacks	opposition is immaterial and does not create a
12			foundation (FRE 602),	genuine dispute of fact.
13			assumes facts not in	Plaintiff has proffered no
14			evidence (FRE 103),	evidence indicating that
			and Dr. Asekomeh is	the fixed wing planes are more available or
15			not a cardiologist and not qualified to offer	provide better access to
16			expert testimony	Escravos than by
17			regarding outcomes relating to cardiac	helicopter or by boat.
10			events. (FRE 701).	Plaintiff's opposition
18				deliberately
19				misinterprets Dr.
20				Asekomeh's statements. Dr. Asekomeh assessed
				Plaintiff's medical
21				condition and the risk of
22				a rupture or dissection
23				occurring and, taking into account the lack of
				medical resources and
24				access to reliable
25				medical evacuations in
				Escravos, opined that a rupture or dissection
26				occurring in Escravos
27		1	1	

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1	Undisputed Fact	Status	Opposition	Reply
$2 \parallel$				would likely lead to
				Plaintiff's death.
3				(Asekomeh Decl. ¶¶ 6-7,
4				9.)
5				Dr. Asekomeh, who
				during the relevant time
6				period was an Occupational Health
7				Physician at Chevron
8				Hospital in Warri,
				Nigeria, is an expert
9				witness who may rely on the opinions of other
10				expert witnesses, i.e.,
$_{11}\ $				cardiologists Drs.
				Adeyeye and Akintunde, in forming his opinion.
12				(FRE 703; see also
13				Asekomeh Dep. Tr.
$_{14}\parallel$				18:21-19:6.)
	17. If Plaintiff had	Disputed that	Objection: Lacks	Dr. Asekomeh is an
15	experienced a rupture or	Plaintiff was	foundation (FRE 602),	expert witness who may
16	dissection while he was	responsible for	assumes facts not in	base his opinion on facts
$_{17}\ $	inspecting and operating equipment, or supervising the	operating equipment and	evidence (FRE 103).	he has been made aware of or personally
	operation and inspection of	further disputes	The REM position	observed. (FRE 703.)
18	heavy machinery, he could	that he could	does not require the	Plaintiff cannot dispute
19	have injured other employees	have injured	operation of	that Dr. Asekomeh
$_{20}\ $	who likewise have limited access to evacuation for	other employees.	equipment, heavy or otherwise. The	considered these facts and risks in making the
	medical treatment, leading to	<u>r</u> J	position is not	MSEA determination.
21	serious impairment or even		considered a safety-	01: 71:
22	death.		sensitive position as defined in the Chevron	Objection to Plaintiff's Exhibit 7: Failure to
23	Asekomeh Decl. ¶ 12.		"Medical Examination	authenticate evidence
$_{24}\ $			Program." Snookal	(FRE 901); Lacks
			Decl. at 19, Exh. 7 (Chevron's "Physical	foundation/personal knowledge (FRE 602);
25			Requirements and	Hearsay (FRE 802);
26			Working Conditions	Unreliable expert
$_{27}\ $			Go-308" for the REM	opinion (FRE 702).

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1	Undisputed Fact	Status	Opposition	Reply
2			Position).	
3			The REM position is an "Office Based Job"	Plaintiff never assumed the REM position and lacks personal
4			which does not require	knowledge regarding its
5			the operation or direct supervision of	requirements. Dr. Asekomeh testified that
6			equipment. Id.	the REM position
7			Job Description: "Job	"almost alwayshas to step into the field."
$8 \parallel$			Title: NMA EGTL	(Asekomeh Dep. Tr.,
9			Reliability Engineering Manager." Asekomeh	74:18-76:19.) Plaintiff also did not and cannot
$_{10}$			Dep. Tr. at 81:3, Exh.	authenticate the document attached to his
11			15-2.	declaration as Exhibit 7.
				Objection to Plaintiff's
12				Exhibit 15-2: Failure to
13				authenticate evidence (FRE 901); Lacks
14				foundation/personal
15				knowledge (FRE 602). Dr. Asekomeh testified
16				he has never seen the
$_{17}\ $				document before and di not rely on it in
18				connection with
19				Plaintiff's MSEA determination. (Pl. Ex.
				15 ["Asekomeh Dep.
20	18. As part of the MSEA	Partially	Dr. Sobel was not	Tr."], 81:3-18.) Plaintiff's opposition is
21	procedure, independent	disputed that	Plaintiff's doctor.	immaterial and does not
22	internal medicine provider Dr. Irving Sobel examined	Dr. Sobel completed the	Snookal Dep. Tr. at 59:15-20.	create a genuine dispute of fact. Plaintiff does
23	Plaintiff in July 2019 and	MSEA "on		not dispute that Dr.
24	completed the "Standard Medical Suitability for	Plaintiff's behalf"	Chevron requested that Plaintiff be examined	Sobel completed Plaintiff's MSEA form,
25	Expatriate Assignment		by Dr. Sobel. Snookal	or otherwise dispute any
26	History & Physical Examination" form on		Decl. at 8.	other portion of DUF 18.
$27 \ $	Plaintiff's behalf,			

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1	Undisputed Fact	Status	Opposition	Reply
2	recommending that Plaintiff's			
3	cardiologist provide a letter to clear Plaintiff for duty in			
4	Escravos, Nigeria.			
5	Pl. Dep. Tr., 45:25-46:24, Ex.			
6	E-3; Pl. Dep. Tr., 56:21-58:4, 59:15-20.			
7	19. On July 29, 2019,	Undisputed		
8	Plaintiff's cardiologist, Dr.	Chaispatea		
9	Steven Khan, prepared a letter regarding Plaintiff's			
10	heart condition stating that it was generally "safe for			
11	[Plaintiff] to work in Nigeria with his heart condition,"			
12	without any reference to			
13	Escravos in particular.			
14	Pl. Dep. Tr., 59:21-60:8, Ex. E-4.			
15	20. Based on an assessment	Disputed	Objection to	Plaintiff's opposition
16	of Plaintiff's medical records	Disputed	Asekomeh's	and objections are
17	from his visit with Dr. Sobel, as well as his first-hand		Declaration at 9: Lacks Foundation	meritless, and fail to create a genuine dispute
18	experience working in Escravos, Dr. Eshiofe		(FRE 602); Assumes Facts Not in Evidence	of fact. Dr. Asekomeh is an expert witness who
19	Asekomeh, who was then the		(FRE 103); and	may base his opinion on
20	Occupational Health Physician at the Chevron		Hearsay (FRE 802).	facts he has been made aware of or personally
21	Hospital in Warri, Nigeria, concluded on August 15,		Chevron's form GO- 308 "Physical	observed. (FRE 703.)
22	2019 that Plaintiff was not fit		Requirements and	Dr. Asekomeh stated in
23	for duty in Escravos due to the remote location, but		Working Conditions" makes no	his declaration that he determined Plaintiff was
24	stated that Plaintiff could be cleared for assignment in		differentiation between Lagos, Abuja, Warri,	fit for duty in Lagos, but not in Escravos, as well
25	Lagos.		Escravos or Onne	as the bases for his
26	Asekomeh Decl. ¶¶ 9, 11; see		locations. Snookal Decl. at 19,	determination. (Asekomeh Decl. ¶¶ 9,
27	also Pl. Dep. Tr., 64:13-65:7,		Exh. 7 (Chevron's	11.) Plaintiff cannot

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1	Undisputed Fact	Status	Opposition	Reply
2 3	Ex. E-5.		"Physical Requirements and Working Conditions	dispute the fact of Dr. Asekomeh's determination and the
4 5			GO-308" for the REM Position).	reasons Dr. Asekomeh gave for his determination.
6				Objection to Plaintiff's
7				Exhibit 7: Failure to authenticate evidence
8				(FRE 901); Hearsay (FRE 802); Lacks
9				foundation/personal knowledge (FRE 602).
$\ 0\ $				Plaintiff did not and
1				cannot authenticate the
2				document attached to his declaration as Exhibit 7.
3	21. Dr. Asekomeh has never	Undisputed.	Dr. Asekomeh is an	This fact is undisputed.
5	been an employee of Chevron U.S.A.		agent for Chevron. Dr. Asekomeh is	Plaintiff's opposition misrepresents Dr.
6	Asekomeh Decl. ¶ 3.		contracted by Chevron and only performs	Asekomeh's testimony, wherein he testified that
7			work for them. Asekomeh Dep. Tr. at	his employer during the relevant time was Delog
8			15:19 - 16:4 and 20:23 - 21:3.	Nigeria Limited. (Asekomeh Dep. Tr.,
9				14:16-21.) Dr. Asekomeh never
20				testified at any time that he was contracted by
21	20 1 1: 1:	D: 1		Chevron.
22	22. In making his assessment of Plaintiff's medical	Disputed	Objection: Lacks Foundation (FRE 602);	Dr. Asekomeh, who during the relevant time
23	clearance, Dr. Asekomeh consulted with two		Assumes Facts Not in Evidence (FRE 103);	period was an Occupational Health
24	cardiologists in Nigeria who were familiar with Plaintiff's		and Hearsay (FRE 802).	Physician at Chevron Hospital in Warri,
25	type of aortic condition – Dr.			Nigeria, is an expert
26	Victor Adeyeye in Warri and Dr. Ujomoti Akintunde in		The two cardiologists with whom Dr.	witness who may rely on the opinions of other

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1	Undisputed Fact	Status	Opposition	Reply
2	Lagos – who independently		Asekomeh consulted	expert witnesses, i.e.,
۱ ا	reviewed Plaintiff's medical		regarding Mr.	cardiologists Drs.
3	records and opined that if		Snookal's thoracic	Adeyeye and Akintunde,
4	Plaintiff were to experience		aneurysms identified	in forming his opinion.
	an aortic event in Escravos, it		Mr. Snookal as being	(FRE 703; see also
5	would likely lead to his death,		"low risk" and noting	Asekomeh Dep. Tr.
ا ء	given the limited medical		that the size of Mr.	18:21-19:6, 83:22-84:8.)
6	resources in Escravos.		Snookal's thoracic	D1-:4:602
7	Asekomeh Decl. ¶ 9.		aneurysm is smaller than the 4.5 cm	Plaintiff's opposition merely adds additional
	Asekomen Deci. 9.		"partition value for	details about matters
8			low-risk situations,"	considered by the
9			noted that they were	cardiologists Dr.
			unable to find "clear	Asekomeh consulted,
10			field guidelines," and	and does not create a
11			did not make any	genuine dispute of fact.
11			recommendations for	
12			people who, like Mr.	Objection to Plaintiff's
			Snookal had only an	Exhibit 15-7: Failure to
13			asymptomatic thoracic	authenticate evidence
14			aneurysm (as opposed	(FRE 901); Hearsay
17			to someone with	(FRE 802).
15			symptoms).	
16			Asekomeh Dep. Tr. at	
1.7			115:11-21 and Exh.	
17			15-7 (Dr. Asekomeh	
18			Email thread with	
			Nigerian cardiologists).	
19	23. Dr. Asekomeh also took	Disputed	Objection: Lacks	Dr. Asekomeh, who
$_{20}\ $	into account the remote location of the assignment,		Foundation (FRE 602); Assumes Facts Not in	during the relevant time
20	Escravos, which was a		Evidence (FRE 103);	period was an Occupational Health
21	particularly dangerous work		and Hearsay (FRE	Physician at Chevron
22	location for a person with		802); Not Qualified to	Hospital in Warri,
22	Plaintiff's condition because		Express an Expert	Nigeria, is an expert
23	Escravos does not have a		Opinion as to	witness who may base
	healthcare system		Plaintiff's Condition	his opinion on facts he
24	infrastructure to handle		(FRE 701, 702).	has been made aware of
$25 \ $	complex cases, and that an			or personally observed.
<u>-</u>	aortic event in Escravos could		Mr. Snookal's risk of a	(FRE 703; see also
26	lead to Plaintiff's death or the		serious cardiac event	Asekomeh Dep. Tr.
$_{27}\ $	death or injury of others		was "negligible	18:21-19:6.) Plaintiff
27				

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	II. J	C4-4	0	D l
1	Undisputed Fact	Status	Opposition	Reply
2	because of the lack of access		compared to the	cannot dispute that Dr.
3	to adequate medical care and timely medical evacuations in		general population," and the REM position	Asekomeh considered his personal knowledge
4	Escravos.		was a desk job that	regarding the conditions
			would not place	in Escravos (Asekomeh
5	Asekomeh Decl. ¶¶ 9-12; <i>see also</i> Pl. Dep. Tr., 81:1-6.		himself or others in danger. Marmureanu	Decl. ¶¶ 4-7), his review of Plaintiff's medical
6	изо 11. Бер. 11., 61.1-6.		Decl. at Exh. 11 p. 7;	records (id. at ¶ 8), and
7			Levy Dep. Tr. at 75:	the facts relating to risks
			14-76:2; 93:21-94:9;	associated with Plaintiff's heart
8			94:11-95:3; 95:10-25; Marmureanu Decl. at	condition (id. at ¶¶ 9-
9			Exh. 11 at p. 8;	12), making the MSEA
10			Asekomeh Dep. Tr. at	determination, because this is a matter of Dr.
			74:24-76:19; Snookal Decl. at 19, Exh. 7.	Asekomeh's personal
11				knowledge.
12				Objection to Dr
13				Objection to Dr. Marmureanu's Report:
14				Irrelevant (FRE 402);
				Lacks foundation/
15				personal knowledge (FRE 602); Hearsay
16				(FRE 801); Unreliable
17				expert opinion (FRE
				702).
18				Dr. Marmureanu's
19				assessment of the risk is
20				irrelevant to the fact of Dr. Asekomeh's
				determination on
21				Plaintiff's MSEA and
22				the bases for the determination. Dr.
23				Marmureanu is also
24				relying on in admissible
				and inaccurate information from
25				Plaintiff regarding the
26				REM position being a
27				"desk job." See Reply to

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1	Undisputed Fact	Status	Opposition	Reply
2				DUF 17.
3				Objection to Plaintiff's
4				Exhibit 7: Failure to authenticate evidence
5				(FRE 901); Hearsay
6				(FRE 802); Lacks foundation/personal
7				knowledge (FRE 602).
8				Plaintiff did not and
9				cannot authenticate the document attached to his
				declaration as Exhibit 7.
$10 \ $	24. When Plaintiff appealed	Undisputed.		
11	Dr. Asekomeh's determination, Dr. Scott			
12	Levy, Chevron U.S.A.'s			
13	Regional Medical Manager then serving the Europe,			
14	Eurasia, Middle East &			
	Africa region, communicated several times with Dr. Khan			
15	to facilitate discussion with			
16	the local medical team regarding Plaintiff's medical			
$17 \parallel$	clearance to further consider			
18	whether Plaintiff could safely assume the expatriate			
19	assignment in Escravos.			
$20 \ $	Pl. 85:12-86:7, 87:7-88:4;			
$_{21}\ $	Levy Decl. ¶ 4, Ex. B;			
$_{22}$	Asekomeh Decl. ¶ 12.			
	25. Dr. Khan indicated by	Disputed	Misstates the cited	Plaintiff's opposition
23	email that, based on a published study in 2002,		evidence. Objection: Assumes Facts Not in	fails to contradict DUF 25 and is furthermore
24	Plaintiff's aneurysm (i.e.,		Evidence FRE 103.	irrelevant. Plaintiff does
25	aortic condition) had "the risk of rupture or dissection [that]		Dr. Khan <i>did</i> address the lack of resources in	not—indeed, cannot— contradict that Dr. Khan
26	is 2% per year," but did not		Escravos to provide	did not consider the lack
$_{27}\ $	address the lack of resources		treatment in the event	of resources in Escravos.

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5 E-6; L'evy Decl., ¶ 4, Ex. B. 6 Also, in the cited evidence, Dr. Khan notes that Mr. Snookal's "risk may be lower than the published number above which would be based on 'average' growth rates" and that Mr. Snookal's "risk of serious complications related to his thoracic aortic aneurysm is low and likely less than 2% per year." (italicization added). 10 Asekomeh, who reviewed the information provided and maintained his determination that Plaintiff could not be cleared for duty in Escravos, even with the low but unpredictable risk of an incident, because a rupture or dissection occurring would most certainly result in death due to Escravos's lack of necessary medical resources and immediate emergency responses. 10 Also, in the cited evidence, Dr. Khan notes that Mr. Snookal's "risk may be lower than the published number above which would be based on 'average' growth rates" and that Mr. Snookal's "risk of serious complications related to his thoracic aortic aneurysm is low and likely less than 2% per year." (italicization added). 26 Dr. Levy discussed Dr. Khan's email with Dr. Asekomeh, who reviewed the information provided and maintained his determination that Plaintiff could not be cleared for duty in Escravos, even with the low but unpredictable risk of an incident, because a rupture or dissection occurring would most certainly result in death due to Escravos's lack of necessary medical resources and immediate emergency responses. 20 The REM position does not require the operation of equipment, heavy or otherwise. The position is not considered a safety-sensitive position as defined in the Chevron "Medical Examination Program." Snookal Decl. at 19, Exh. 7 22 Check Per Solvent Per ver defined in the Chevron "Medical Examination Program." Snookal Decl. at 19, Exh. 7 23 Check Per Solvent Per ver ver or otherwise. The position and determination on Plaintiff's MSEA. 24 Check Per Solvent Per ver ver ver ver ver ver ver ver ver v					
treatment in the event of such an occurrence. Pl. Dep. Tr., 84:18-85:14, Ex. E-6; Levy Decl., ¶ 4, Ex. B. Pl. Dep. Tr., 84:18-85:14, Ex. E-6; Levy Decl., ¶ 4, Ex. B. Pl. Dep. Tr., 84:18-85:14, Ex. E-6; Levy Decl., ¶ 4, Ex. B. Pl. Dep. Tr., 84:18-85:14, Ex. E-6; Levy Decl., ¶ 4, Ex. B. Pl. Dep. Tr., 84:18-85:14, Ex. E-6; Levy Decl., ¶ 4, Ex. B. Pl. Dep. Tr., 84:18-85:14, Ex. E-6; Levy Decl., ¶ 4, Ex. B. Pl. Dep. Tr., 84:18-85:14, Ex. E-6; Levy Decl., ¶ 4, Ex. B. Pl. Dep. Tr., 84:18-85:14, Ex. E-6; Levy Decl., ¶ 4, Ex. B. Also, in the cited evidence, Dr. Khan notes that Mr. Snookal's "risk may be lower than the published number above which would be based on 'average' growth rates' and that Mr. Snookal's "risk of serious complications related to his thoracic aortic aneurysm is low and likely less than 2% per year." (talicization added). 26. Dr. Levy discussed Dr. Khan's email with Dr. Asekomeh, who reviewed the information provided and maintained his determination that Plaintiff could not be cleared for duty in Escravos, even with the low but unpredictable risk of an incident, because a rupture or discention occurring would most certainly result in death due to Escravos''s lack of necessary medical resources and immediate emergency responses. Levy Decl. ¶ 5; see also id. at ¶ 4, Ex. B, Asekomeh Decl. ¶ Pop. Rata treated in his camal, Tunderstand he is applying for a job in a rural or remote area of Nigeria." Also, in the cited evidence, Dr. Khan notes that Mr. Snookal's "risk may be lower than the published number above which would be based on 'average' growth rates' and that Mr. Snookal's "risk of serious complications related to his thoracic aortic aneurysm is low and likely less than 2% per year." (talicization added). Drs. Levy and Asekomeh are expert witnesses who may be has been made aware or personally observed. FRE 703.) Plaintiff and the treatment in the is applying for a job in a rural or remote area of Nethoracic and individual to the published mumber above which would be based on 'average	1	Undisputed Fact	Status	Opposition	Reply
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Section occurring would most certainly result in death due to Escravos's lack of an immediate emergency responses 26 14, Ex. B; Assekomeh, who recives and immediate emergency responses 26 15, see also id. at 14, Ex. B; Assekomeh are considered a safety-see and immediate emergency responses 26 16, Levy Decl. ¶ 5; see also id. at 14, Ex. B; Assekomeh are considered a safety-sensitive position as defined in the Chevron "Medical Examination program." Snookal Decl. at 19, Exh. 7 (Chevron's "Physical Lacks (FRE 502); Lacks (F	3				-
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23 necessary medical resources and immediate emergency responses. 24 Levy Decl. ¶ 5; see also id. at ¶ 4, Ex. B; Asekomeh Decl. ¶ 26 ¶ 4, Ex. B; Asekomeh Decl. ¶ 27 Sensitive position as defined in the Chevron "Medical Examination Program." Snookal Decl. at 19, Exh. 7 (Chevron's "Physical Requirements and Requirements and (FRE 901); Hearsay (FRE 802); Lacks	22				\mathbf{c}
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25 Levy Decl. ¶ 5; see also id. at ¶ 4, Ex. B; Asekomeh Decl. ¶ (Chevron's "Physical Requirements and Requirements and Response of the Frankling of Section to Frankling (Exhibit 7: Failure to authenticate evidence (FRE 901); Hearsay (FRE 802); Lacks	$_{24}\ $				Objection to Distriction
Levy Decl. ¶ 5; see also id. at ¶ 4, Ex. B; Asekomeh Decl. ¶ (Chevron's "Physical Requirements and Requirements and (FRE 901); Hearsay (FRE 802); Lacks		responses.			
Requirements and (FRE 802); Lacks	25	Levy Decl. ¶ 5; see also id. at		•	
Requirements and (FRE 802); Lacks	26	¶ 4, Ex. B; Asekomeh Decl. ¶		`	
27	27			Requirements and	(FKE 802); Lacks

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1	Undisputed Fact	Status	Opposition	Reply
2 3	12.		Working Conditions Go-308" for the REM Position).	foundation/personal knowledge (FRE 602). See DUF 17.
4			1 osition).	See Del 17.
5			The REM position is an "Office Based Job"	
			which does not require	
6			the operation or direct supervision of	
7			equipment. Id.	
8			Fixed wing planes are	
9			also used to transport employees in and out	
10			of the location,	
11			including to transport them when rotating in	
12			or out of their	
13			assignment. Snookal Decl. at 21.	
14	27. Although a relocation of	Undisputed.	The local medical team	Plaintiff's opposition
15	the position was considered,	Ondisputed.	"regularly" medevacks	merely adds additional,
16	the REM position could not have been performed in		people from Chevron's Escravos, Nigeria	immaterial details but does not create a
17	Lagos, because the essential		refinery due to	genuine dispute of fact, because the number of
18	duties of the position require on-site supervision and		emergent medical issues, and there are	medical evacuations is
19	interaction with personnel and equipment in Escravos.		approximately 300 annual medical	irrelevant to the determination that the
			evacuations annually in	essential duties of the
20	Pl. Dep. Tr., 83:22-84:17; Levy Decl. ¶ 6.		the region.	REM position could not be performed in Lagos.
21	"		Asekomeh Dep. Tr. at	
22			39:9-21; see also Levy Dep. Tr. at 24:20-25:9.	
23	28. Plaintiff's offer for the REM position was rescinded	Undisputed		
24	on or about September 4,			
25	2019, based on the local medical team's decision			
26	which deemed him unfit for			
27	duty in Escravos, and the fact			

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1	Undisputed Fact	Status	Opposition	Reply
1		Status	Opposition	Кергу
2	that the REM position could not be moved to Lagos where			
3	Plaintiff had medical			
4	clearance.			
5	Pl. Dep. Tr., 89:3-11, 89:20- 90:14, Ex. E-7; Pl. Dep. Tr.,			
6	96:5-11, 110:20-23;			
7	Asekomeh Decl. ¶¶ 11-12; Levy Decl. ¶ 6.			
8	29. No Chevron U.S.A.	Disputed	Objection: Misstates	Plaintiff does not dispute
9	employee had any final	Disputed	the Facts. Assumes	this fact except to
10	determination in whether Plaintiff was ultimately		Facts not in Evidence (FRE 103); Lacks	dispute whether Dr. Asekomeh was an
11	awarded the REM position in		Foundation (FRE 602)	employee of Chevron,
	Escravos, including Dr. Levy.		Dr. Asekomeh Decl. at	which Plaintiff already agreed was an
12	Levy Decl. ¶ 7; see also		11, "I concluded that	undisputed fact. See
13	Complaint, ¶ 18.		Mr. Snookal could not be cleared for	DUF 21.
14			assignment in	
15			Escravos, which lacked the necessary medical	
16			resources and was too	
17			remote for reliable medical evacuation."	
18			medical evacuation.	
			Dr. Asekomeh performs work	
19			exclusively for	
20			Chevron and is Chevron's agent.	
21			Asekomeh Dep. Tr. at	
22			15:19 - 16:4 and 20:23	
23			- 21:3.	
24			The local medical team	
25			in Nigeria, including Dr. Asekomeh,	
			reported to the local	
26			medical director, Dr. Arenyeka, who in turn	
27			· · · · · · · · · · · · · · · · · · ·	

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1	Undisputed Fact	Status	Opposition	Reply
2			reported to Chevron's	
3			Human Resources.	
4			Levy Dep. Tr. at 37:4-38:1.	
5	30. Aside from the rescinded REM position, Plaintiff does	Undisputed	Objection: testimony calls for a legal	DUF 30 pertains to the acts which Plaintiff
6	not believe any other decision was based on discrimination		conclusion (FRE 701).	believed were discriminatory, and does
7	because of his heart			not require a legal
8	condition.			conclusion.
9	Pl. Dep. Tr., 197:7-25.			
10	31. The only basis for	Disputed	Misstates Plaintiff's	Plaintiff's opposition
11	Plaintiff's belief that the denial of the REM position		testimony. Objection: Assumes Facts Not in	selectively cites only a portion of Plaintiff's
12	was discriminatory is		Evidence (FRE 103);	testimony, without
13	Plaintiff's belief that the local medical team in Nigeria did		testimony calls for a legal conclusion (FRE	taking the entire cite in context. <i>See</i> DUF 31.
14	not do their due diligence by considering the study from		701). Plaintiff testified: "In	Plaintiff's belief as to whether an action was
15	2002 provided by Dr. Khan		my opinion, I don't	discriminatory does not
16	referencing the approximate 2% risk of incident with		believe that the people that evaluated me did	require a legal conclusion.
17	Plaintiff's aortic condition and not considering other		their due diligence in understanding the	
18	studies.		condition that I had	
19	Pl. Dep. Tr., 97:3-98:15,		and the effects that a remote location would	
20	109:8-13.		have. That's what I	
21			meant by that." Pl. Dep. Tr. 97:3-9.	
	32. Dr. Khan did not reference any study other	Disputed	Misstates the cited facts. Objection,	Plaintiff's opposition does not actually
22	than the study in 2002.		Assumes Facts Not in	contradict DUF 32.
23	Pl. Dep. Tr., 84:18-85:14, Ex.		Evidence (FRE 103).	
24	E-6.		The email in question from Dr. Khan to Dr.	
25			Levy stated: "Finally,	
26			the studies of risk of rupture are fairly old	
27			rupture are fairly olu	

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1	Undisputed Fact	Status	Opposition	Reply
2			(2002) and treatment	
3			has improved as has our understanding of	
4			aortic aneurysms."	
5			Snookal Decl. at Exh. 5.	
6	33. Although Plaintiff's offer to work in Escravos was	Undisputed		
7	rescinded and his former			
8	position as the IEAR Team Lead in El Segundo had been			
9	backfilled due to the offer, Chevron U.S.A. stated it			
10	would ensure that Plaintiff			
11	would have a position in El Segundo.			
12	Pl. Dep. Tr., 92:21-94:7, Ex.			
13	E-8.			
14	34. Chevron U.S.A. worked	Disputed as to	Misstates the facts.	Plaintiff's opposition is
15	with Plaintiff to find alternative job positions he	the second bullet point.	Assumes Facts Not in Evidence (FRE 103).	semantic in nature and does not create a
16	was qualified for:	ounce point.	, , ,	genuine dispute of fact
17	• On or about September 5,		Exh. E-10 does not say "three possible	as DUF cites text directly from Plaintiff's
18	2019, Plaintiff met with his supervisor at the El		positions for him." To the contrary,	email.
19	Segundo facility, Austin Ruppert, HR Manager		Plaintiff points out that	
20	Andrew Powers, and HR Business Partner Thalia		he saw three postings for possible positions,	
21	Tse, when they informed him they would look to		but he would be considered "unfit" for	
22	identify open positions he may be qualified for and		the first and not	
23	encouraged Plaintiff to do the same.		qualified for the third position.	
24	That day, Plaintiff emailed Mr. Ruppert			
25	regarding "three possible positions" for himself that			
26	he found after examining Chevron U.S.A.'s posted			
27	job openings.			

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1	Undisputed Fact	Status	Opposition	Reply
2	• Dr. Levy outlined approximately 40 other			
3	geographic regions at which Plaintiff could			
4	obtain medical clearance			
5	for an expatriate assignment and			
6	approximately 26 other geographic regions at			
7	which, following a specific assessment,			
8	Plaintiff may be able to obtain medical clearance.			
9				
	Pl. Dep. Tr., 89:3-11, 89:20- 90:14, Ex. E-7; Pl. Dep. Tr.,			
10	109:24-110:17, Ex. E-10; Pl. Dep. Tr., 113:18-114:19.			
11	35. Plaintiff applied to the El	Undisputed		
12	Segundo Routine Maintenance General Team			
13	Lead, El Segundo Operating			
14	Assistant, and Maintenance Change Operating Assistant			
15	positions based in El Segundo, and did not receive			
16	an offer for any of these			
17	positions.			
18	Pl. Dep. Tr., 123:14-19;			
19	126:18-127:11, 131:21-24- 132:13, Ex. E-12; Complaint			
20	¶ 29.			
21	36. Chevron U.S.A.'s hiring	Disputed	Defendant's supporting	Plaintiff's objections are
22	process involves a robust metrics-based screening		evidence does not support the all the facts	meritless. Mr. Powers has personal knowledge
23	model with peer and HR		herein. Objection: Assumes Facts not in	of the facts attested in
24	oversight:		Evidence (FRE 103);	his capacity as the Senior Advisor to the
	 Open job postings have a job owner who makes the 		Lacks Foundation (FRE 602).	Chief Human Resources Officer and formerly as
25	hiring decision and is at			an HR Business Partner
26	times also the reporting supervisor for the		Plaintiff's deposition testimony referenced is	for Chevron U.S.A. (Levy Decl. ¶ 1.)
27	position.	<u> </u>	testimony referenced is	(201) 2001. 1.)

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38. Ms.
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1	Undisputed Fact	Status	Opposition	Reply
2	retaliation policies.		on actual or perceived	partners upon hire.
3	Powers Decl. ¶ 6; see		disability (Deposition Transcript of Thalia	Whether Ms. Tse consulted HR Policy 410
4	Declaration of Cotey		Tse ("Tse Dep. Tr.") at	is irrelevant to DUF 38.
5	Cswaykus ("Cswaykus Decl.") ¶ 5.		27:1-10); that she was did not receive training	Plaintiff's opposition
6			with respect to Chevron's human	also miscites the Ms. Tse's testimony. Ms.
7			resources practices	Tse testified that was
8			(Tse Dep. Tr. at 28:8-23); that she was not	instructed to learn Chevron U.S.A.'s
9			familiar with Chevron's policy	policies and know how to access the policy
10			relating to US	when needed. (Pl. Ex. 16
11			employees with disabilities (Tse Dep.	["Tse Dep. Tr."], 28:8- 23, 75:8-19.)
12			Tr. at 75:8-19); and that she did not refer to	
			the disability	
13			discrimination policy when she learned of	
14			Mr. Snookal's	
15			disability discrimination	
16			complaint (Tse Dep. Tr. at 76:21-77:3).	
17	39. Chevron U.S.A. created	Partially	Mr. Snookal applied	This fact is undisputed.
18	the Reliability Change Operating Assistant role for	disputed as to the word	for the El Segundo Operating Assistant	Plaintiff's objection to the use of the word
19	Plaintiff which, like the El Segundo Operating Assistant	"sought."	role after Chevron rescinded the REM	"sought."
20	role which Plaintiff sought,		position and gave his	According to Merriam-
21	did not have direct reports and paid the same as		previous role away to someone else.	Webster, sought means "to ask for" or "to try to
22	Plaintiff's prior IEAR Team Lead position.		Snookal Decl. at 24;	acquire or gain," and "apply" means "to make
23			Snookal Dep. Tr.,	an appeal or request
24	Pl. Dep. Tr., 168:11-16, 170:13-16, 173:6-16.		110:25 – 111:10; 113:18 – 116:18.	especially in the form of a written application."
25		Disputed		11
26	40. On or about August 4, 2021, Plaintiff resigned from his employment with	Disputed	Objection: Assumes Facts Not in Evidence (FRE 103).	Plaintiff's objections are meritless, as Plaintiff admitted these facts
27				

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1	Undisputed Fact	Status	Opposition	Reply
2	Chevron U.S.A. effective		D1 : ('CC C'	during his deposition.
3	August 20, 2021, for the stated reason that he was		Plaintiff sent Chevron a letter dated August 4,	Plaintiff's opposition does not actually dispute
4	leaving for an opportunity with significantly increased		2021 notifying Chevron that he was	DUF 40, and ignores Ex. E-18 and Plaintiff's
5	responsibility.		resigning his position	admission during his
6	Pl. Dep. Tr., 223:2-10, 224:7-		effective August 20, 2021. Snookal Decl. at	deposition that "It is a correct statement." (Pl.
7	19, Ex. E-17; Pl. Dep. Tr., 230:12-231:1, Ex. E-18; Pl.		28-30, Exh. 9-10. Nowhere in that letter	Dep. Tr. 231: 13-16.)
8	Dep. Tr., 231:2-16.		does he state he was leaving for an	
9			opportunity with	
10			significantly increased responsibility.	
11	41. The reason for Plaintiff's resignation was that he felt	Disputed	Plaintiff resigned his employment because	Plaintiff's citation to a self-serving declaration
12	that his career was not		of Chevron's arbitrary,	cannot supersede his
13	progressing as he would like at Chevron U.S.A.		systemic discrimination against	admission in deposition testimony to create a
14	Pl. Dep. Tr., 232:9-233:14,		him, resulting in debilitating depression	genuine dispute of fact. Van Asdale v. Int'l Game
15	Ex. E-19; Pl. Dep. Tr., 235:5-236:10.		and financial stress. Snookal Decl. at 28-30,	<i>Tech.</i> , 577 F.3d 989, 998 (9th Cir. 2009) (<i>citing</i>
16	250.10.		Exh. 9-10.	authority) ("a party
17				cannot create an issue of fact by an affidavit
18				contradicting his prior deposition testimony").
19				Plaintiff testified that the
20				contents of Ex. E-19
21				were accurate. (Pl. Dep. Tr. 232:9-233:14; <i>see</i>
22				generally DUF 41.)
23	42 DI : ('CC' '	TT 1' , 1		
24	42. Plaintiff's supervisors, Austin Ruppert and Greg	Undisputed		
25	Curtin, were very supportive of him during his			
26	employment at Chevron			
[

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Undisputed Fact	Status	Opposition	Reply
U.S.A.			
Pl. Dep. Tr., 236:11-14.			
43. No one at Chevron U.S.A. asked Plaintiff to leave, and Mr. Curtin told Plaintiff that he preferred Plaintiff to stay.	Undisputed		
Pl. Dep. Tr., 242:17-25.			

PLAINTIFF'S STATEMENT OF

UNCONTROVERTED FACTS AND GENUINE DISPUTES

12			
	Statement of Fact	Status	Opposition
13			
	44. Defendant Chevron U.S.A.	Undisputed	
14	("Chevron") promoted	т 1	
15	Plaintiff Mark Snookal ("Mr. Snookal") several times,	Immaterial	
16	including in 2011, 2013, 2016.		
17	Declaration of Plaintiff Mark		
18	Snookal ("Snookal Decl.") at 4.		
19	45. Mr. Snookal would have received an additional 55% of	Disputed as not in evidence	Objection: Lacks foundation/personal knowledge (Federal Rules of Evidence
20	his base salary as a location premium for the Reliability	Immaterial	["FRE"] 602); Hearsay (FRE 802); Best Evidence Rule (FRE 1002).
21	Engineering Manager ("PEM") position in Footpass		The document referenced by Mr. Powers in
22	("REM") position in Escravos, Nigeria.		giving his testimony was not made a part of this record and is hearsay. No foundation was
23	Snookal Decl. at 5; see also		established that the document reviewed by Mr. Powers applied to Plaintiff and the REM
24	the Transcript of the		position.
25	Deposition of Andrew Powers ("Powers Dep. Tr.") 31:5-11;		Plaintiff would only be eligible for a location premium if he worked in Escravos. (Powers
26	32:23 – 33:20		Dep. Tr. 33:8-20.) Plaintiff would only be able to take the conditional or contingent REM
27			position in Escravos if he successfully cleared

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1	Statement of Fact	Status	Opposition
2			a MSEA. See DUF 5.
3	46. The REM position was a rotational assignment with a	Disputed as not in evidence	Objection: Lacks foundation/personal knowledge (Federal Rules of Evidence
4	schedule of 28 days working in Escravos, Nigeria, and 28 days off to return home.	Immaterial	["FRE"] 602); Hearsay (FRE 802).
5			
6	Snookal Decl. at 5. 47. Chevron advised Mr.	Undisputed.	
7	Snookal that he was to have a medical examination by Dr.	See DUF 18.	
8	Irving Sobel, a doctor they had		
9	selected to complete the medical evaluation form,		
10	titled, "Medical Suitability for Expatriate Assignment History		
11	& Physical Examination"		
12	(hereinafter "MSEA").		
13	Snookal Decl. at 8.	** 1	
14	48. In completing the MSEA paperwork, Dr. Sobel	Undisputed.	
15	documented that Mr. Snookal was "fit for duty with	See DUF 18.	
16	restrictions."		
17	Snookal Decl. at 8;		
18	Transcript of Deposition of Dr. Scott Levy ("Levy Dep.		
19	Tr.") at 83:4-13.	The diameter d	
20	49. The only two duty restrictions which Dr. Sobel	Undisputed.	
21	indicated were (1) no heavy lifting over 50 pounds and (2)	See DUF 18.	
22	to get a clearance letter from		
23	Dr. S. Khan, Mr. Snookal's treating cardiologist.		
24	Snookal Decl. at 8;		
25	Levy Dep. Tr. at 83:11-19, Exh. 12-E.		
26 27	50. Given the rotational schedule of the REM position,	Disputed as not in evidence	Objection: Lacks foundation/personal knowledge; speculation (FRE 602).

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1	C4-44	C4-4	0
1	Statement of Fact	Status	Opposition
2 3	Mr. Snookal could and would have received the	Immaterial	Whether Plaintiff could have continued his annual visits with his cardiologist in California if he had taken on the REM position is
4	recommended treatment for his dilated aortic root at home		speculative and irrelevant. Rupture or dissection due to Plaintiff's condition was not
5	in California without interruption.		predictable. See DUF 14-15.
6	Snookal Decl. at 12.		
7	51. The REM position did not	Disputed as not in	Misstates the evidence / not supported by
8	have any requirement to lift more than 50 pounds.	evidence	evidence. Plaintiff did not make any attestation regarding a lifting requirement for
	-	Immaterial	the REM position. Dr. Levy did not testify about any 50-pound lifting requirement.
9	Snookal Decl. at 8; See also Levy Depo Tr. at 75:20-76:2.		A 50-pound lifting restriction was not a factor
10			in Plaintiff's MSEA determination of unfit for duty in Escravos. See DUF 20, 22-23, 26.
11	52. Mr. Snookal provided a clearance letter to Chevron	Undisputed as to the fact of Dr.	Objection: Hearsay (FRE 802); Failure to authenticate evidence (FRE 901); Unreliable
12	from his treating cardiologist,	Khan providing a letter on	expert opinion (FRE 702).
13	Dr. S. Khan, which indicated that Mr. Snookal was "under	Plaintiff's behalf; Disputed to the	The local medical team in Nigeria makes the MSEA determination, not Dr. Khan. <i>See</i> DUF
14	[his] care for his heart condition. It is safe for [Mr.	extent Dr. Khan's hearsay statement	6. Plaintiff has not—and indeed, cannot—dispute that Dr. Khan lacks knowledge of the
15	Snookal] to work in Nigeria	is offered to prove the truth of the	work conditions and medical capacities of the facilities in Escravos and did not consider
16	with his heart condition. His condition is under good	matter asserted.	these facts. See DUF 25, 32.
17	control and no special treatments are needed."	Immaterial	
18			
19	Snookal Decl. at 9 and Exh. 3; Levy Dep. Tr. at 84:7-19.		
20	53. On August 23, 2019, Dr. Khan wrote an email to Dr.	Undisputed as to the fact of Dr.	Objection: Hearsay (FRE 802); Failure to authenticate evidence (FRE 901); Unreliable
21	Scott Levy, Chevron's then	Khan's email; Disputed to the	expert opinion (FRE 702).
22	Regional Medical Manager for the Europe, Eurasia, Mid-East,	extent Dr. Khan's hearsay statement	The local medical team in Nigeria makes the MSEA determination, not Dr. Khan. <i>See</i> DUF
23	and Africa region, explaining that Mr. Snookal's thoracic	is offered to prove the truth of the	6. Plaintiff has not—and indeed, cannot—dispute that Dr. Khan lacks knowledge of the
24	aneurysm is "relatively small	matter asserted.	work conditions and medical capacities of the facilities in Escravos and did not consider
25	and considered low risk" and that given a number of factors		these facts. See DUF 25.
26	applicable to Mr. Snookal, including that his "aneurysm		
27	has not shown any growth for		

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1	Statement of Fact	Status	Opposition
2	3 years, his risk may be lower		
3	than the published 2% number above" especially given that		
4	"the studies of risk of rupture are fairly old (2002) and		
5	treatment has improved as has our understanding of aortic		
6	aneurysms."		
7	Snookal Decl. at 16 and Exh.		
8	5; Levy Dep. Tr. at 62:5-63:21 and Exh. 12-C.		
9	54. In his July 29, 2019 letter deeming Mr. Snookal fit to	Undisputed	
10	work in Nigeria with his heart	Immaterial	
11	condition, Dr. Khan concluded by writing 'If you have any		
12	questions, please feel free to contact me at the number		
13	below." and providing his		
14	contact information.		
15	Snookal Decl. at 9, Exh. 3 (July 29, 2019 letter from Dr.		
16	Khan); Levy Dep. Tr. at 84:2-		
17	19. 55. In his August 23, 2019,	Undisputed	
18	email to Dr. Levy, Dr. Khan	Immaterial	
19	concluded by offering "[i]f you have any further		
20	questions, please feel free to email or call me" and		
21	providing his contact		
22	information.		
23	Snookal Decl. at 16 and Exh. 5; Levy Dep. Tr. at 62:5-63:21		
24	and Exh. 12-C.	7:	
25	56. Mr. Snookal's risk of a serious cardiac event due to	Disputed	Objection: Hearsay (FRE 802); Unreliable expert opinion (FRE 702); Lacks
26	his thoracic aneurysm was actually less than 1% per year.	Immaterial	foundation/personal knowledge; speculation (FRE 602); Irrelevant (FRE 402).
27	actually 1655 mail 176 per year.		Dr. Asekomeh reviewed Dr. Khan's conjecture

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1	Statement of Fact	Status	Opposition
2	Marmureanu Decl. at Exh. 11		that Plaintiff's risk of a serious incident was
3	p. 6; 7.		less than 1% and maintained his determination that Plaintiff was not fit for duty in Escravos in
4			light of all circumstances. <i>See</i> DUF 22-23, 25-26. Dr. Marmureanu's report does not consider Plaintiff's risk in light of the
5	57. Mr. Snookal's risk of a	Disputed as not in	conditions and medical resources in Escravos. Misstates the evidence. Objection: Hearsay
6	serious cardiac event due to	evidence	(FRE 802); Unreliable expert opinion (FRE
7	his thoracic aneurysm while in Escravos was less than 0.5%	Immaterial	702); Lacks foundation/personal knowledge; speculation (FRE 602); Irrelevant (FRE 402).
8	per year.		Dr. Marmureanu's report conjectures
9	Id.		Plaintiff's risk of a serious cardiac event was 1%, not 0.5%. <i>See</i> PUF 56.
10			
11	58. Mr. Snookal's risk of a serious cardiac event due to	Disputed Immaterial	Objection: Hearsay (FRE 802); Unreliable expert opinion (FRE 702); Lacks foundation/personal knowledge; speculation
12	his thoracic aneurysm is "negligible compared to the	Immaterial	(FRE 602); Irrelevant (FRE 402).
13	general population, especially given the absence of rapid		Dr. Asekomeh reviewed Dr. Khan's conjecture that Plaintiff's risk of a serious incident was
14	growth in Mr. Snookal's		less than 1% and maintained his determination
15	case."		that Plaintiff was not fit for duty in Escravos in light of all circumstances. <i>See</i> DUF 22-23, 25-
16	Marmureanu Decl. at Exh. 11 p. 7.		26. Dr. Marmureanu's report does not consider Plaintiff's risk in light of the conditions and medical resources in Escravos.
17	59. Mr. Snookal's thoracic	Disputed	Misstates the evidence. Dr. Asekomeh testified that the REM would be required to
18	aneurysm would not have impacted his day-to-day		visit the field. See DUF 17.
19	ability to work or complete		
20	any of his required job duties.		
21	Levy Dep. Tr. at 75:14-76:2;		
22	Asekomeh Dep. Tr. at 74:24-76:19.		
	60. The REM position is a not	Disputed	Misstates the evidence. <u>Objection</u> : Hearsay (FRE 802); Unreliable expert opinion (FRE
23	physically strenuous job, and Chevron categorized it as an	Immaterial	702); Lacks foundation/personal knowledge;
24	"office based job."		speculation (FRE 602).
25	Levy Dep. Tr. at 75: 14-76:2;		Dr. Asekomeh testified that the REM would be required to visit the field. <i>See</i> DUF 17.
26	93:21-94:9; 94:11-95:3; 95:10-25; Marmureanu Decl.		Objection to Plaintiff's Exhibit 7: Failure to
27	at Exh. 11 at p. 8; Asekomeh		authenticate evidence (FRE 901); Hearsay

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1	Statement of Fact	Status	Opposition
2	Dep. Tr. at 74:24-76:19; .		(FRE 802); Lacks foundation/personal
3	Snookal Decl. at 19, Exh. 7 (Chevron's "Physical		knowledge (FRE 602).
4	Requirements and Working Conditions GO-308" for the		Plaintiff did not and cannot authenticate the document attached to his declaration as Exhibit
5	REM Position).	<u> </u>	7.
6	61. The REM position did not require the operation of	Disputed as not in evidence	Objection to Plaintiff's Exhibit 7: Failure to authenticate evidence (FRE 901); Hearsay
7	equipment, heavy or otherwise. The position is not	Immaterial	(FRE 802); Lacks foundation/personal knowledge (FRE 602).
8	considered a safety-sensitive		
9	position, as defined in the Chevron "Medical		Plaintiff did not and cannot authenticate the document attached to his declaration as Exhibit
10	Examination Program."		7.
11	Snookal Decl. at 19, Exh. 7		Objection to Plaintiff's Exhibit 15-2: Failure to
12	(Physical Requirements and Working Conditions GO-308).		authenticate evidence (FRE 901); Lacks foundation/personal knowledge (FRE 602). Dr.
13	Job Description: "Job Title:		Asekomeh testified he has never seen the document before and di not rely on it in
14	NMA EGTL Reliability		connection with Plaintiff's MSEA
15	Engineering Manager." Declaration of Dr. Eshiofe		determination. (Pl. Ex. 15 ["Asekomeh Dep. Tr."], 81:3-18.)
16	Asekomeh ("Asekomeh Dep. Tr.") at 81:3, Exh. 15-2.		
17	62. Dr. Asekomeh could not "cite a specific example" of	Disputed	Misstates the evidence. Objection: Irrelevant (FRE 402).
18	how Mr. Snookal's thoracic	Immaterial	
	aneurysm posed a threat to others.		The matters alleged in this case occurred in 2019, more than 5 years ago. Dr. Asekomeh
20			of his deposition on October 10, 2024, but at
	Asekomeh Dep. Tr. At 122:19 – 124:12.		the time he was completing the MSEA determination, considered whether an aortic
21			event could cause injury to other employees. <i>See</i> DUF 17.
22	63. Dr. Asekomeh did not	Disputed as to Ex 15-2, which is not	Objection: Irrelevant (FRE 402).
23	review the job duties of the REM position before making	in evidence	Dr. Asekomeh was aware that Plaintiff would
24	his decision.	Immaterial	be required to go into the field in the REM position. <i>See</i> DUF 17. Dr. Asekomeh made
25	Asekomeh Dep. Tr. at 69:9-		the MSEA determination based on the facts available to him. <i>See</i> DUF 22-23, 25-26.
26	12; 81:3-18 and Exh. 15-2 (Job Description for NMA		Objection to Plaintiff's Exhibit 15-2: Failure to
27	EGTL Reliability Engineering		authenticate evidence (FRE 901); Lacks

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1	Statement of Fact	Status	Opposition
2	Manager); Asekomeh Dep. Tr.		foundation/personal knowledge (FRE 602). Dr.
3	at 71:9-25.		Asekomeh testified he has never seen the document before and di not rely on it in
4			connection with Plaintiff's MSEA determination. (Pl. Ex. 15 ["Asekomeh Dep. Tr."], 81:3-18.)
5	64. Dr. Levy did not consider	Undisputed	Dr. Levy did not make any final determination regarding Plaintiff's MSEA. <i>See</i> DUF 6, 29.
6	whether Mr. Snookal's thoracic aneurysm would pose	Immaterial	regarding Framum's WiseA. See DOF 0, 29.
7	a "direct threat to others" at the time of the decision to		
8	rescind the REM position.		
9	Levy Dep. Tr. at 77:15-78:9.		
10	65. The "bulk" of Chevron's decision to rescind the REM	Undisputed	
11	position from Mr. Snookal		
12	was "taken on the fact that if he had a medical event, [they]		
13	would not be able to support him in Escravos, irrespective		
14	of his job role."		
15	Asekomeh Dep. Tr. at 71:9-25.		
16	66. Chevron did not conduct a	Disputed as not in	Misstates the evidence. Dr. Asekomeh
17	functional capacity evaluation for Mr. Snookal because	evidence	testified that office-based jobs don't require a functional capacity evaluation, but "almost-
18	"almost-always office jobs"	Immaterial	always" office jobs [sic] and management will visit the field. (Asekomeh Dep. Tr. 76:11-19.)
	that are not "physically-demanding" do not require		-
20	one.		
21	Asekomeh Dep. Tr. at 74:18-76:19.		
22	67. Nothing about the job	Undisputed	
23	duties for the REM position itself, or its location, would	See DUF 14-15.	
24	exacerbate Mr. Snookal's thoracic aneurysm or increase		
25	the risk of a serious cardiac		
26	event occurring.		
27	Levy Dep. Tr. at 75: 14-76:2;		

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1	Statement of Fact	Status	Opposition
2	93:21-94:9; 94:11-95:3;		
3	95:10-25; Marmureanu Decl. at Exh. 11 at p. 8; Asekomeh		
	Dep. Tr. at 95:6-24.		
4	68. The local medical team	Undisputed	DUF 68 merely adds additional, immaterial
5	"regularly" performs emergency medical	Immaterial	details but does not create a genuine dispute of fact, because the number of medical
6	evacuations (i.e. medevacks)		evacuations is irrelevant to the determination that the essential duties of the REM position
7	people from Chevron's		could not be performed in Lagos. See DUF 27.
8	Escravos, Nigeria refinery due to emergent medical issues,		
Ŭ	and there are approximately		
9	300 annual medical evacuations annually in the		
10	region.		
11	Agalzamah Dan Tr. at 20:0		
12	Asekomeh Dep. Tr. at 39:9-21; see also Levy Dep. Tr. at		
	24:20-25:9.		
13	69. As of October 10, 2024, Dr. Asekomeh was aware of	Undisputed	See PUF 68; DUF 27.
14	two emergency medical	Immaterial	
15	evacuations during the		
16	previous week alone.		
	Asekomeh Dep. Tr. at 39:9-		
17	40:5.	Disputed as to the	Ohio sti and Israel second (EDE 402)
18	70. Chevron did not consider Mr. Snookal's past work	Disputed as to the reference to	Objection: Irrelevant (FRE 402).
19	history before making their	Chevron U.S.A.	Plaintiff's past work history is not relevant because a serious cardiac event is not
20	decision to rescind the REM position from Mr. Snookal.	Immaterial	predictable. See DUF 14-15.
	Position from Mr. Shookar.		Chevron U.S.A. did not make Plaintiff's
21	Asekomeh Dep. Tr. at 67:25-		MSEA determination. See DUF 6, 29.
22	69:21; 66:18-68:12. 71. Had they considered Mr.	Disputed as not in	Misstates the evidence. Whether Plaintiff had
23	Snookal's past work history	evidence	ever suffered any serious cardiac events is not
24	with Chevron, they would	Immaterial	in evidence. Dr. Asekomeh did not attest to this.
25	have found that Mr. Snookal never suffered any serious		Plaintiff's past work history is not relevant
	cardiac event while at work or		because a serious cardiac event is not
26	otherwise.		predictable. See DUF 14-15.
27			

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1	Statement of Fact	Status	Opposition
2	Id.		
3	72. Dr. Asekomeh did not speak with or otherwise	Undisputed	Objection: Irrelevant (FRE 402).
4	contact Mr. Snookal's treating cardiologist, Dr. Khan, before	Immaterial	The local medical team in Nigeria, i.e., Dr. Asekomeh, makes the MSEA determination, not Dr. Khan. <i>See</i> DUF 6.
5	making his decision to rescind the REM position.		Whether Dr. Asekomeh spoke with Dr. Khan
6 7	Asekomeh Dep. Tr. at 66:10-		before making the MSEA determination is irrelevant. Dr. Asekomeh made a reasonable
8	17.		judgment based on the facts available to him, including Dr. Khan's August 23, 2019 email. <i>See</i> DUF 22-23, 25-26. Plaintiff proffered no
9			evidence as to what, if anything, Dr. Khan could have added to the MSEA determination.
10			Dr. Khan has no personal knowledge of the conditions or resources in Escravos.
11	73. Dr. Asekomeh did not speak with Mr. Snookal in	Undisputed	Objection: Irrelevant (FRE 402).
12	conjunction with his MSEA evaluation.	Immaterial	The local medical team in Nigeria, i.e., Dr. Asekomeh, makes the MSEA determination, not Plaintiff. <i>See</i> DUF 6.
13	Asekomeh Dep. Tr. at 66:18-		
14	25.		Whether Dr. Asekomeh spoke with Plaintiff before making the MSEA determination is irrelevant. Dr. Asekomeh made a reasonable
15			judgment based on the facts available to him. See DUF 22-23, 25-26. Plaintiff proffered no
16			evidence as to what, if anything, he could have added to the MSEA determination. Plaintiff
17			has no personal knowledge of the conditions or resources in Escravos.
18	74. Dr. Asekomeh did not speak with Dr. Irving Sobel,	Undisputed	Objection: Irrelevant (FRE 402).
19	the physician to deemed Mr.	Immaterial	The local medical team in Nigeria, i.e., Dr. Asekomeh, makes the MSEA determination,
20	Snookal "fit for duty with restrictions" before making his		not Dr. Sobel. See DUF 6.
21	decision to rescind the REM position.		Whether Dr. Asekomeh spoke with Dr. Sobel before making the MSEA determination is
22			irrelevant. Dr. Asekomeh made a reasonable judgment based on the facts available to him.
23	Asekomeh Dep. Tr. 65:14-66:9.		See DUF 22-23, 25-26. Plaintiff proffered no evidence as to what, if anything, Dr. Sobel
24			could have added to the MSEA determination. Dr. Sobel has no personal knowledge of the
25	75. After reporting Chevron's	Disputed as to the	conditions or resources in Escravos. Misstates the evidence. Objection: Irrelevant
26	decision to rescind the REM	reference to Chevron U.S.A.	(FRE 402); Lacks foundation/ personal knowledge (FRE 602); Hearsay (FRE 801).
27	position to the Chevron	Chevion U.S.A.	knowledge (FKE 002), fleatsay (FKE 801).

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1	Statement of Fact	Status	Opposition
2	Ombuds, Chevron passed Mr.	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	оррожие:
	Snookal along to discuss with	Immaterial	Chevron U.S.A. did not make Plaintiff's
3	Dr. Levy, Chevron's Regional Medical Manager for Europe,		MSEA determination. See DUF 6, 29.
4	Eurasia, Middle East &		
5	Africa.		
6	Snookal Decl. at 13.	5: 1 :	
7	76. Dr. Levy spoke with Mr. Snookal and advised that the	Disputed as not in evidence	Objection: Irrelevant (FRE 402); Hearsay (FRE 801).
8	REM position jobsite was in a		
9	remote area in Nigeria with limited medical facilities and		
10	emergency care only available via charter aircraft to Lagos,		
11	Nigeria.		
12	Snookal Decl. at 14; Levy		
	Dep. Tr. at 38:24 – 39:14.		
13	77. Dr. Levy requested permission to speak with Dr.	Undisputed	
14	Khan about Mr. Snookal's		
15	case, and Mr. Snookal granted same.		
16	Snookal Decl. at 15; Levy		
17	Dep. Tr. at 38:24 – 39:18.		
18	78. Dr. Levy left one voicemail for Dr. Khan but	Undisputed	See PUF 72.
- 11	never spoke to him in real	Immaterial	
20	time about Mr. Snookal.		
21	Levy Dep. Tr. at 39:16 – 40:5.		
22	79. On August 23, 2019, Dr. Khan sent Dr. Levy an email,	Undisputed as to the fact of the	Objection: Hearsay (FRE 802); Failure to authenticate evidence (FRE 901); Unreliable
	with a cc to Mr. Snookal,	email; Disputed to the extent Dr.	expert opinion (FRE 702).
23	reiterating his opinion that Mr. Snookal was medically fit for	Khan's hearsay statement is	The local medical team in Nigeria makes the MSEA determination, not Dr. Khan. <i>See</i> DUF
24	duty despite the remote	offered to prove	6. Plaintiff has not—and indeed, cannot—
25	location of the job.	the truth of the matter asserted.	dispute that Dr. Khan lacks knowledge of the work conditions and medical capacities of the
26	Snookal Decl. at 16, Exh. 5;	Immaterial	facilities in Escravos and did not consider these facts. <i>See</i> DUF 25, 32.
27	Levy Dep. Tr. at 62:5-18, Exh.		,

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1	Statement of Fact	Status	Opposition
2	12-C.		
3	80. On September 4, 2019, Mr. Snookal emailed Chevron	Undisputed as to the fact of the	Objection: Irrelevant (FRE 402); Hearsay (FRE 802); Failure to authenticate evidence
4	USA Human Resources Manager, Andrew Powers, to	email; Disputed to the extent Plaintiff's hearsay	(FRE 901).
5	report the disability discrimination, writing, <i>inter</i>	statement is offered to prove	
6	alia: "I believe this decision was made based on a lack of	the truth of the matter asserted.	
7	understanding and	Immaterial	
8	stereotypical assumptions about my medical condition		
9	and is therefore, discriminatory in nature" and		
10	"aside from my complaint of medical discrimination where		
11	does their decision leave me?"		
12 13	Snookal Decl. at 18 and Exh.		
14	6; Powers Dep. Tr. at 46:15-48:2 and Exh. 14-3.		
15	81. Minutes after receiving Mr. Snookal's disability	Disputed as it misstates the	Objection: Irrelevant (FRE 402); Hearsay (FRE 802); Failure to authenticate evidence
16	complaint on September 4, 2019, before further	evidence	(FRE 901).
17	investigation, Mr. Powers wrote to his colleagues Troy	Immaterial	This fact of and contents of this email is irrelevant to the claims at issue.
18	Tortorich, Austin Ruppert, and		
19	Thalia Tse, inter alia: "I am sure there is a very good		
20	reason why this [job] was rescinded"		
21	Powers Dep. Tr. at 49:13-		
22	52:11 and Exh. 14-3 at CUSA000539.		
23	82. Mr. Powers also forwarded	Undisputed	Objection: Irrelevant (FRE 402); Hearsay (FRE 802); Failure to authenticate evidence
24	Mr. Snookal's disability discrimination complaint to	Immaterial	(FRE 901).
25	the medical team in Nigeria, asking Dr. Ayanna Jones for		This fact of and contents of this email is irrelevant to the claims at issue.
26	"context" "and suggested response" to Mr. Snookal's		molevant to the claims at 1994c.
27	response to mi. shookui s		

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1	Statement of Fact	Status	Opposition
2	disability discrimination		
3	complaint.		
4	Powers Dep. Tr. at 136:5-25, Exh. 14-12 (Email from		
5	Andrew Powers to medical		
6	team in Nigeria at CUSA000650).		
7	83. Dr. Ayanna Jones wrote back to Mr. Powers' email	Undisputed	Objection: Irrelevant (FRE 402); Hearsay (FRE 802); Failure to authenticate evidence
8	referring him to speak to Dr.	Immaterial	(FRE 901).
9	Levy who "would be able to provide [] context on this case		This fact of and contents of this email is
10	and appropriate response."		irrelevant to the claims at issue.
11	Powers Dep. Tr. at 136:5 –		
12	137:16, Exh. 14-12 (Email from Andrew Powers to		
13	medical team in Nigeria at CUSA000650).		
14	84. On September 6, 2019, Mr. Powers sent an email	Undisputed	Objection: Irrelevant (FRE 402); Hearsay (FRE 802); Failure to authenticate evidence
15	reply to Mr. Snookal which	Immaterial	(FRE 901).
16	read: "I've reached out to the Medical Department and while		This fact of and contents of this email is irrelevant to the claims at issue.
17	I'm not privy to any medical information, I understand a		interevant to the claims at issue.
18	thorough review was		
19	conducted and alternatives were explored. We would		
20	respectfully disagree that the determination was based on		
21	stereotyping or impermissible		
22	discrimination."		
23	Powers depo at 95:21-98:3 and Exh. 14-5 (Andrew		
24	Powers Email to Mark Snookal Re: Medical Team		
25	Findings at CUSA000542);		
26	Snookal Decl. at 18, Exh. 6 (CUSA000542-543).		
27	85. Mr. Snookal requested of	Undisputed	Objection: Irrelevant (FRE 402); Hearsay (FRE 802); Failure to authenticate evidence
28	SMDU-4957-6070-4009-2	-4	0-

1	Statement of Fact	Status	Opposition
2	Mr. Powers an explanation for	Immaterial	(FRE 901).
3	why the REM position had been rescinded.		This fact of and contents of this email is irrelevant to the claims at issue.
4	Levy Dep. Tr. at 78:10-79:6,		
5	Exh. 12-D; (September 16, 2019 Email from Dr. Levy to		
6	Mr. Snookal); Snookal Decl. at 20.		
7	86. On September 16, 2019,	Undisputed	Objection: Irrelevant (FRE 402); Hearsay
8	Dr. Levy emailed Mr. Snookal explaining that he "became	Immaterial	(FRE 802); Failure to authenticate evidence (FRE 901).
9	involved on [Mr. Snookal's] case when [he] had requested		This fact of and contents of this email is
10	a second opinion on the initial		irrelevant to the claims at issue. Dr. Levy's role was to act as an intermediary between Dr.
11	denial" and, <i>inter alia</i> , wrote that Chevron had a right to		Khan and the Nigerian local medical team to help evaluate the risks. (Levy Dep. Tr. 34:18-
12	rescind the offer based on a "direct threat" to Mr.		35:9, 58:5-11.)
13	Snookal's "health and safety"		
14	because "if the condition were to occur, the outcome would		
15	be catastrophic and would require an immediate		
16	emergency response which is		
17	not available and would most certainly result in death in		
18	Escravos."		
19	Levy Dep. Tr. at 78:10-79:6,		
20	Exh. 12-D; (September 16, 2019 Email from Dr. Levy to		
21	Mr. Snookal). 87. On or about September 5,	Disputed as to the	Chevron U.S.A. ensured Plaintiff remained
22	2019, Mr. Snookal searched for and identified four	Maintenance Change Operating	employed while Plaintiff applied for other positions. <i>See</i> DUF 33. Plaintiff did not
23	different vacant positions for	Assistant Position	identify the Maintenance Change Operating Assistant position. See Ex. E-10.
24	which he was qualified and submitted applications for	Immaterial	1222 Day Postania Soc Day D 101
25	same: (1) El Segundo Routine Maintenance General Team		
26	Lead, (2) El Segundo		
27	Operating Assistant (which		

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1	Statement of Fact	Status	Opposition
_			z PF switter
2	had two separate openings) and (3) Maintenance Change		
3	Operating Assistant.		
4	Snookal Decl. at 24;		
5	Snookal Dep. Tr., 110:25 – 111:10; 113:18 – 116:18.		
6	88. Chevron made Mr.	Disputed	Chevron U.S.A. ensured Plaintiff remained
7	Snookal apply with the rest of the general applicant pool	Immaterial	employed while Plaintiff applied for other positions. <i>See</i> DUF 33.
8	without preference for these four vacant positions.		
9	four vacant positions.		
10	Snookal Decl. at 24; Snookal Depo Tr. at 123:14-19.		
11	89. Mr. Snookal was qualified	Disputed	The positions Plaintiff applied for required a
12	for the four vacant positions to which he applied.	Immaterial	college degree, which Plaintiff does not have. Pl. Dep. Tr., 15:3-7, 118:14-119:15, 131:24-134:11, Ex. E-12; 136:19-137:6, 138:23-139:4.
13	Snookal Depo Tr. at 110:25 –		Chevron U.S.A. ensured Plaintiff remained
14	111:10; 118:5 – 119:10; Pg. 130:18-25; 136:6-23; 167:7-		employed while Plaintiff applied for other positions. See DUF 33.
15	168:8.		
16	90. The four vacant positions to which Mr. Snookal applied	Disputed as to whether the	Misstates the evidence / not in evidence. <u>Objection</u> : Irrelevant (FRE 402); Lacks
17	were comparable to, or worse than, the REM position.	positions were "worse" than the REM position	foundation/ personal knowledge (FRE 602); Hearsay (FRE 801).
18	Snookal Dep. Tr. at 122:7-15.	Immaterial	Chevron U.S.A. ensured Plaintiff remained employed while Plaintiff applied for other
19	1		positions. See DUF 33.
20	91. Chevron did not select Mr. Snookal for any of the four	Undisputed	See DUF 35.
21	vacant positions.	Immaterial	
22	Snookal Decl. at 24; Snookal		
23	Depo Tr. at 123:24 – 125:1; Pg. 131:17-20; 134:17-19;		
	136:6-23.		
24	92. Ultimately, Chevron	Undisputed	
25	created a role called Reliability Change Operating	See DUF 39.	
26	Assistant ("OA") for Mr.		
27	Snookal.		

28

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1	Statement of Fact	Status	Opposition
2			
3	Snookal Dep. Tr at 168:11-16; Snookal Decl. at 24.		
4	93. The Reliability Change OA role was a demotion from	Disputed Immaterial	Misstates the evidence / not in evidence. <u>Objection</u> : Irrelevant (FRE 402); Lacks foundation/ personal knowledge (FRE 602);
5	Mr. Snookal's previous IEAR role and the REM job because	Timilateria:	Hearsay (FRE 801).
6 7	it was not a supervisory nor managerial role with no direct reports, and it was a temporary		Chevron U.S.A. ensured Plaintiff remained employed while Plaintiff applied for other
8	position with no pathways to		positions. See DUF 33.
9	promotion.		The Reliability Change OA role, like the El Segundo Operating Assistant Role that
10	Snookal Decl. at 24; Snookal Decl. Tr. at 168:11 – 169:10;		Plaintiff sought, did not have direct reports and paid the same as Plaintiff's prior IEAR Team Lead position. (Pl. Dep. Tr., 168:11-16,
11	174:5-175:11; 28:8-22. 94. After Chevron rescinded	Undisputed	170:13-16, 173:6-16.)
12	the REM position, Mr.	Immaterial	
13	Snookal continued to search for other rotational expatriate	IIIIIIatCiiai	
14	assignments, and other positions generally, for which		
15	he was eligible, and		
16	subscribed to receive regular email updates regarding new		
17	job postings, and asked colleagues about available		
18	opportunities.		
19	Snookal Decl. at 26.		
20	95. Despite his searches, Mr. Snookal was not able to find	Undisputed	
21	any other rotational expatriate	Immaterial	
22	assignments for which he was eligible and could apply.		
23	Snookal Decl. at 26; Snookal Dep. Tr. at 90:15-18.		
24	96. The treatment	Disputed as to the	Misstates the evidence / not in evidence.
25	recommendations for Mr. Snookal's thoracic aneurysm	characterization of the monitoring as	Objections: Irrelevant (FRE 402); Lacks foundation/ personal knowledge (FRE 602);
26	were to get an annual CT and	"treatment"	Hearsay (FRE 801).
27	echocardiogram and to take	Immaterial	Dr. Khan stated that Plaintiff's condition can

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1	Statement of Fact	Status	Opposition
2 3	his recommended blood pressure medications.		be "tracked," not treated. <i>See</i> Ex. E-6; <i>see also</i> DUF 12. Plaintiff does not dispute his own testimony, that Dr. Khan told him "there's no
4	Snookal Decl. at 9 and Exh. 3; Marmureanu Decl. at Exh. 11		way to accurately predict" whether Plaintiff's condition would stop expanding or whether it would expand to an operable point. (Pl. Dep.
5	p. 8; Asekomeh Dep. Tr. at 104:11-20.		Tr. 48:25-49:11.) See DUF 14-15.
6	10 1111 201		Objection: Plaintiff's citation to statements made by Dr. Khan is inadmissible hearsay
7			when cited for the truth of the matters asserted.
8			(FRE 801.)
9			Objection to Dr. Marmureanu's Report: Irrelevant (FRE 402); Lacks foundation/
10			personal knowledge (FRE 602); Hearsay (FRE 801); Unreliable expert opinion (FRE 702).
11	97. Mr. Snookal is the	Undisputed	Objection: Irrelevant (FRE 402).
12 13	breadwinner for his family, including his son with	Immaterial	Plaintiff continued to work for Chevron U.S.A.
13	disabilities.		for nearly two years between the time the REM position was rescinded until his
15	Snookal Decl. at 28.		resignation. See DUF 28, 40.
16	98. After Chevron rescinded the REM position, Mr.	Undisputed	Objection: Irrelevant (FRE 402).
17	Snookal had to pull his son out of private school because he	Immaterial	Plaintiff continued to work for Chevron U.S.A. for nearly two years between the time the
18	could no longer afford it.		REM position was rescinded until his resignation. <i>See</i> DUF 28, 40.
19	Snookal Dep. Tr. at 246:25 – 247:17; Snookal Decl. at 28.		
20	99. In or about November of 2019, Mr. Snookal started	Undisputed	Objection: Irrelevant (FRE 402).
21	treating with a therapist due to	Immaterial	Plaintiff continued to work for Chevron U.S.A. for nearly two years between the time the
22	the symptoms of depression he was experiencing.		REM position was rescinded until his resignation. See DUF 28, 40.
23	Snookal Decl. at 27		6
24	100. In or about October of 2020, Mr. Snookal started	Undisputed	Objection: Irrelevant (FRE 402).
25	taking antidepressants to treat	Immaterial	Plaintiff continued to work for Chevron U.S.A. for nearly two years between the time the
26	the symptoms of depression he was experiencing.		REM position was rescinded until his resignation. See DUF 28, 40.
27			

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			,
1	Statement of Fact	Status	Opposition
2	Snookal Decl. at 27; Snookal		
3	Dep. Tr. at 243:1 – 245:25 101. Mr. Snookal and his	Undisputed	Objection: Irrelevant (FRE 402).
4	therapist discussed looking for other work because of the	Immaterial	Plaintiff continued to work for Chevron U.S.A.
5	detrimental effects Chevron's discrimination was having on		for nearly two years between the time the REM position was rescinded until his resignation. <i>See</i> DUF 28, 40.
6	Mr. Snookal's mental health.		resignation. See DOI 20, 40.
7	Snookal Dep. Tr. at 243:1 –		
8	245:25; Snookal Decl. at 27- 29.		
9	102. After resigning from Chevron in August of 2021,	Undisputed	Objection: Irrelevant (FRE 402).
10	Mr. Snookal relocated himself	Immaterial	Plaintiff continued to work for Chevron U.S.A.
11	and his family out of the state to try to better support his		for nearly two years between the time the REM position was rescinded until his
12	family's needs.		resignation. See DUF 28, 40.
13	Snookal Decl. at 30; Snookal		
14	Dep. Tr. at 51:6-8. 103. Dr. Levy has consistently	Disputed	Misstates the evidence / not in evidence. <i>See</i>
15	been employed by Chevron	•	DUF 4.
16	U.S.A., even while he has changed job assignments and	Immaterial	Dr. Levy did not testify regarding which entity
17	been based outside of the		would have employed Plaintiff had Plaintiff assumed the REM position. Plaintiff did not
18	United States in London and Singapore.		create a genuine dispute of fact as to which entity would have employed him in the REM
			position. See DUF 4.
	Levy Dep. Tr. at 12:15-15:6; 14:8-11; 14:18-23.		
20	104. Chevron U.S.A. paid	Disputed	Misstates the evidence / not in evidence. <i>See</i> DUF 4.
21	Andrew Powers while he was on assignment in different	Immaterial	
22	states and on expatriate		Mr. Powers did not testify regarding which entity would have employed Plaintiff had
23	assignments in other countries, including Kazakhstan and the		Plaintiff assumed the REM position. Plaintiff did not create a genuine dispute of fact as to
24	Philippines.		which entity would have employed him in the REM position. <i>See</i> DUF 4.
25	Powers Dep. Tr. at 19:2 - 22:1.	Diamet 1	C. DHE 4 Th. 64 ' 4 OCC W/E E
26	105. The Assignment Offer letter which Mr. Snookal	Disputed	See DUF 4. The "Assignment Offer" (Ex. E-1) states that the SBU, or Strategic Business
27	received for the REM position		Unit, for the position is Nigeria Mid-Africa.

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1	Statement of Fact	Status	Opposition
		Status	Opposition
2	identified "Chevron" as the employer and does not refer to		Pl. Dep. Tr., 36:23-37:8, Ex. E-1.
3	"Chevron Nigeria, Limited."		Plaintiff's citation to testimony by Dr. Levy
4	Snookal Dep. Tr. at 36:23-37:8, Ex. E-1 (See also DUF 4		and Mr. Powers misrepresents their testimony and does not create a genuine dispute of fact.
5	above).		Neither testified that Plaintiff would have
6 7			remained employed by Chevron U.S.A. Inc., nor did they testify about which entity would
8			be Plaintiff's employer had Plaintiff taken the REM position.
9			Dr. Levy testified that he is "just not
10			completely aware" which corporate entity or business he worked under over his "several assignments with the company." (Pl. Ex. 12,
11			Dr. Mark Levy Deposition Transcript ["Levy Dep. Tr."], 12:15-13:3.) Mr. Powers testified
12			that he is not aware whether Chevron U.S.A. was his employer during his own expatriate
13			assignments. (Pl. Ex. 14, Andrew Powers Deposition Transcript ["Powers Dep. Tr."],
14	106. Dr. Asekomeh worked as	Undisputed	19:24-20:6, 21:9-15.)
15	an Occupational Health	•	
16	Physician at the Chevron Hospital in Warri, Nigeria and	See Asekomeh Decl. ¶¶ 1-2.	
17	conducted Medical Suitability for Expat Assignment MSEA		
18	evaluations for Chevron's		
19	expatriates traveling to Nigeria.		
20	Asekomeh Decl. at 1, 3.		
21	107. Chevron contracted with	Disputed as to the	Misstates the evidence. Chevron U.S.A. did
22	Dr. Asekomeh's employer to provide medical services to	reference to Chevron U.S.A.	not employ the REM position and was not involved in Plaintiff's MSEA determination.
23	Chevron in Nigeria.		See DUF 4, 6, 21, 29.
24	Asekomeh Dep. Tr. at 14:16 - 15:9.		Plaintiff does not that Dr. Asekomeh was not an employee of Chevron. <i>See</i> DUF 21.
25	108. Dr. Asekomeh's practice	Disputed as to the reference to	Misstates the evidence. Chevron U.S.A. did
26 27	exclusively provides medical services to Chevron, not to any other entities.	Chevron U.S.A.	not employ the REM position and was not involved in Plaintiff's MSEA determination. <i>See</i> DUF 4, 6, 21, 29.
41		<u> </u>	

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1	Statement of Fact	Status	Opposition
2	Asekomeh Dep. Tr. at 15:19 -		Plaintiff does not that Dr. Asekomeh was not an employee of Chevron. <i>See</i> DUF 21.
3	16:4 and 20:23 - 21:3.	D' 1	
4	109. Chevron provided specific guidelines and	Disputed	Misstates the evidence. Dr. Asekomeh testified that the Medical Examination Protocol that he followed in conducting MSEA
5	protocols for Dr. Asekomeh to follow in conducting MSEA evaluations for Chevron		evaluations was a global guide used by Chevron entities. Dr. Asekomeh never
7	expatriate assignments.		testified that Chevron U.S.A. provided him with the guidelines and protocols.
8	Asekomeh Dep. Tr. at 29:20 - 31:19.		
9	110. The two cardiologists	Disputed as not in	Misstates the evidence / not in evidence.
10	with whom Dr. Asekomeh consulted regarding Mr.	evidence	Objection to Plaintiff's Exhibit 15-7: Failure to
11	Snookal's thoracic aneurysms identified Mr. Snookal as		authenticate evidence (FRE 901); Hearsay (FRE 802).
12	being "low risk" and noting		
13	that the size of Mr. Snookal's thoracic aneurysm is smaller		
14	than the 4.5 cm "partition value for low-risk situations."		
15			
16	Asekomeh Dep. Tr. at 115:11-21, Exh. 15-7 (Dr. Asekomeh		
17	email thread with Nigerian cardiologists).		
18	111. The two cardiologists with whom Dr. Asekomeh	Disputed as not in evidence	Misstates the evidence / not in evidence.
19	consulted regarding Mr.	evidence	Objection to Plaintiff's Exhibit 15-7: Failure to authenticate evidence (FRE 901); Hearsay
20	Snookal's thoracic aneurysms admitted they were unable to		(FRE 802).
21	find "clear cut field guidelines for patient with aortic		
22	aneurysm."		
23	Id. at CUSA000773.		
24	112. The two cardiologists with whom Dr. Asekomeh	Disputed as not in evidence	Misstates the evidence / not in evidence.
25	consulted regarding Mr.	Immaterial	Objection to Plaintiff's Exhibit 15-7: Failure to authenticate evidence (FRE 901); Hearsay
26	Snookal's thoracic aneurysms offered clinical instructions for Mr. Snookal, including to		(FRE 802).
27	ivii. Shookai, molaanig to		

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1	Statement of Fact	Status	Opposition
2	"avoid lifting heavy objects";		
3	"quit smoking (if he is a smoker); (manage		
4	hypertension strictly)"; "watch		
5	out for alarm symptoms" and "avoid moderate to high		
6	intensity exercises as much as possible."		
7			
8	Asekomeh Dep. Tr. at 115:11-21, Exh. 15-7 (Dr. Asekomeh		
9	email thread with Nigerian cardiologists).		
10	113. Mr. Snookal was already	Disputed as not in evidence	Misstates the evidence / not in evidence.
11	following the guidelines to "avoid lifting heavy objects";	Immaterial	Objection to Plaintiff's Exhibit 15-7: Failure to authenticate evidence (FRE 901); Hearsay
12	"quit smoking (if he is a smoker); (manage	miniate i lai	(FRE 802).
13	hypertension strictly)"; "watch out for alarm symptoms" and		
14	"avoid moderate to high		
15	intensity exercises as much as possible."		
16	Id. at CUSA000775; Snookal		
17	Decl. at 11. 114. The two cardiologists	Disputed as to the	Misstates the evidence / not in evidence. PUF
18	with whom Dr. Asekomeh consulted regarding Mr.	statement that the cardiologists did	114 is internally contradictory. Additionally, one of the cardiologists stated: "In Escravos
19	Snookal's thoracic aneurysms	not provide a specific	. we are only limited to initial stabilitization and transfer of such high risk CV
20	did not provide a specific recommendation to bar Mr.	recommendation to bar Plaintiff	complications if any occurs we may not be able to support such an individual due to our
21	Snookal from working in Escravos, Nigeria. However,	from working in Escravos	peculiarities." See Ex. 15-7-2.
22	they did write/endorse that		Objection to Plaintiff's Exhibit 15-7: Failure to authenticate evidence (FRE 901); Hearsay
23	"[w]hat is established is that a patient with symptomatic		(FRE 802).
24	aneurysm should not be allowed to work in an offshore		
25	location."		
26 27	Asekomeh Dep. Tr. at 115:11-21, Exh. 15-7 (Dr. Asekomeh		

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1	Statement of Fact	Status	Opposition
2	email thread with Nigerian		
3	cardiologists) at CUSA000773.		
4	115. Mr. Snookal had only an <i>asymptomatic</i> thoracic	Disputed	Misstates the evidence / not in evidence. <u>Objection</u> : Irrelevant (FRE 402); Lacks
5	aneurysm, not a <i>symptomatic</i> thoracic aneurysm.	Immaterial	foundation/personal knowledge (FRE 602); Hearsay (FRE 801).
6	·		Objection to Plaintiff's Exhibit 15-7: Failure to
7	Asekomeh Dep. Tr. at 115:11-21 and Exh. 15-7 Dr.		authenticate evidence (FRE 901); Hearsay (FRE 802).
8	Asekomeh email thread with Nigerian cardiologists) at		Objection to Dr. Marmureanu's Report:
9	CUSA000775; Marmureanu Decl. at Exh. 11, p. 2-5.		Irrelevant (FRE 402); Lacks foundation/ personal knowledge (FRE 602); Hearsay (FRE
10	Door, at Lan. 11, p. 2-3.		801); Unreliable expert opinion (FRE 702).
11	116. Prior to his resignation, Mr. Snookal expressed to	Disputed as not in evidence	Misstates the evidence / not in evidence. Objection: Irrelevant (FRE 402).
12	multiple Chevron employees,	Immaterial	Plaintiff continued to work for Chevron U.S.A.
13	including Greg Curtin and Austin Ruppert, tat he felt he	Timitaterial	for nearly two years between the time the REM position was rescinded until his
14	had been treated unfairly by Chevron and he felt he had no		resignation. See DUF 28, 40.
15	choice but to quit.		
16	Snookal Dep. Tr. at 225:20-		
17	226:7. 117. Prior to his resignation,	Disputed as not in	Misstates the evidence / not in evidence.
18	Mr. Snookal also discussed	evidence	Objection: Irrelevant (FRE 402).
19	being subjected to disability discrimination with Mr.	Immaterial	Plaintiff continued to work for Chevron U.S.A. for nearly two years between the time the
20	Ruppert.		REM position was rescinded until his resignation. See DUF 28, 40.
21	Snookal Dep. Tr. at 228:18- 229:4.		200 201 20, 101
22	118. Mr. Snookal did not state	Disputed as not in	Misstates the evidence / not in evidence.
23	in his Chevron resignation paperwork all his reasons for	evidence	Objection: Irrelevant (FRE 402).
24	leaving Chevron because he did not see the practical	Immaterial	See DUF 43-44.
25	purpose and because he		Plaintiff continued to work for Chevron U.S.A. for nearly two years between the time the
26	thought it would be atypical to state negative things about		REM position was rescinded until his resignation. <i>See</i> DUF 28, 40.
27	Chevron in the separation		

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Statement o	f Fact	Status Opposition
paperwork.		Plaintiff's citation to a self-serving declaration
Snookal Dep. Tr. <i>A</i> 230:4; 231:17-232		cannot supersede his admission in deposition testimony to create a genuine dispute of fact. <i>Van Asdale v. Int'l Game Tech.</i> , 577 F.3d 989
Decl. at 29-30.	.o, Shookai	998 (9th Cir. 2009) (<i>citing</i> authority) ("a party cannot create an issue of fact by an affidavit contradicting his prior deposition testimony")
		See DUF 40-41.
119. Mr. Snookal	_	ted Misstates the evidence / not in evidence.
resign his employr Chevron merely be		Objection: Irrelevant (FRE 402).
career "was not pro		See DUF 43-44.
he wanted."		Plaintiff continued to work for Chevron U.S.A
Snookal Decl. at 2	5-29;	for nearly two years between the time the REM position was rescinded until his
Snookal Dep. Tr. a	-	resignation. See DUF 28, 40.
246:6-248:19.		Plaintiff's citation to a self-serving declaration
		cannot supersede his admission in deposition testimony to create a genuine dispute of fact.
		Van Asdale v. Int'l Game Tech., 577 F.3d 989, 998 (9th Cir. 2009) (citing authority) ("a party
		cannot create an issue of fact by an affidavit
		contradicting his prior deposition testimony").
120. Mr. Snookal	did not Dispu	See DUF 40-41. Misstates the evidence / not in evidence.
resign his employr	<u>+</u>	Objection: Irrelevant (FRE 402).
Chevron merely to	-	See DUF 43-44.
another job opport	unity.	Plaintiff continued to work for Chevron U.S.A
Snookal Decl. at 2	-	for nearly two years between the time the
Snookal Dep. Tr. a 246:6-248:19.	at 243:4-6;	REM position was rescinded until his resignation. See DUF 28, 40.
1010 = 101271		Plaintiff's citation to a self-serving declaration
		cannot supersede his admission in deposition
		testimony to create a genuine dispute of fact. Van Asdale v. Int'l Game Tech., 577 F.3d 989, 998 (9th Cir. 2009) (citing authority) ("a party
		cannot create an issue of fact by an affidavit contradicting his prior deposition testimony").
130. Dr. Levy, as t	he Regional Dispu	See DUF 40-41. ted Misstates the evidence / not in evidence.
Manager for the Eurasia, Middle Ea	urope,	Objection: Hearsay (FRE 802).
u tizzana aza Natalalla lib	ast & Africa	Dr. Levy only provided recommendations

OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

1	Statement of Fact	Status	Opposition
2	region, had a role in		based on his knowledge of the countries in the
3	evaluating purported risks to Chevron's expatriate		Europe, Eurasia, Middle East, and Africa regions. Dr. Levy testified that the Center of
4	employees, to give		Excellence managed the creation of policies, not him.
5	recommendations for setting policies for Chevron's fitness		
6	for duty program, and "create[d] policies and		
7	protocols for [Chevron's]		
8	medical evacuations."		
	Levy Dep. Tr. at 20:11-25:10;		
9	Snookal Dep. Tr. at 314:11- 315:12.		
10	<u> </u>	ENDANT'S CON	NCLUSIONS OF LAW

DEFENDANT'S CONCLUSIONS OF LAW

Conclusions of Law	Relevant Facts
1. Chevron U.S.A. was not the employer with	1-5, 29
respect to the REM position which Plaintiff claims	
he was wrongfully denied.	
2. Plaintiff cannot demonstrate a prima facie case	1-3, 5-28, 30-32
of disability discrimination because he could not	
perform the essential duties of the REM position	
without endangering the health and safety of	
himself and the people around him.	
3. Even if Plaintiff could demonstrate a prima	20, 22-23, 26-28
facie case of disability discrimination, which he	See also 3, 5-19, 21, 24-25, 30-32
cannot, Chevron U.S.A. had legitimate,	
nondiscriminatory business reasons for the	
purportedly adverse employment actions; in	
particular, it relied on a reasoned determination by	
medical professionals that Plaintiff would have	

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1	Conclusions of Law	Relevant Facts
	been a danger to himself and the people around	Retevant Pacts
$\begin{bmatrix} 2 \\ 2 \end{bmatrix}$		
3	him.	
4	4. Even if Plaintiff could demonstrate a prima	30-32
5	facie case of disability discrimination, which he	See also 3, 5-28
6	cannot, Plaintiff cannot produce evidence to show	
7	that Chevron U.S.A.'s legitimate,	
8	nondiscriminatory business reasons were	
9	pretextual.	
10	5. Plaintiff cannot demonstrate a prima facie case	13, 33-39
11	for failure to accommodate, because Plaintiff	
12	admits he did not need accommodations during his	
13	employment.	
14	6. Plaintiff cannot demonstrate a prima facie case	33-39
15	for failure to accommodate, because even if	See 13
16	Chevron had a duty to provide Plaintiff with	
17	accommodations, which it did not, Chevron	
18	reasonably accommodated Plaintiff by creating a	
19	new role for him with the same pay and benefits as	
20	his prior position.	
21	7. Plaintiff cannot demonstrate a prima facie case	40-43
22	of constructive wrongful discharge because the	
23	working conditions which Plaintiff alleges caused	
24	him to resign from his employment with Chevron	
25	fail to meet the standard of objective intolerability.	
26	8. Because there is no merit to Plaintiff's claims	1-43
27		

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Conclusions of Law	Relevant Facts
for discrimination or failure to accommodate,	
Plaintiff cannot prove his derivative claim for	
wrongful constructive discharge.	
9. Plaintiff cannot recover punitive damages	1-43
because he cannot establish an act of oppression,	
fraud, or malice by an officer, director or	
managing agent of Chevron U.S.A.	

PLAINTIFF'S CONCLUSIONS OF LAW

Conclusions of Law	Relevant Facts
10. Defendant Chevron U.S.A., Inc. ("Defendant")	44, 47, 52-103, 115
was the employer for the purposes of the rescinded	
REM position, or at minimum, is liable for	
rescinding same from Mr. Snookal.	
11. Mr. Snookal was an employee with a disability	44 – 69, 76-115
for the purposes of the California Fair	
Employment and Housing Act.	
12. Mr. Snookal was a "qualified employee"	44-86, 96, 103-115
because he could perform all of the essential duties	
of the REM position in Escravos, Nigeria.	
13. Defendant cannot meet its burden to show that	44-86, 96, 101-115
Mr. Snookal posed an "imminent and substantial"	
direct threat to himself or to others.	
14. Defendant cannot meet its burden to show it	44-86, 96, 101-115
"rel[ied] upon the most current medical	

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1	Conclusions of Law	Relevant Facts
2	knowledge" nor that it relied upon "the best	
3	available objective evidence" to support its claim	
4	that Mr. Snookal posed a threat to himself or	
5	others.	
6	15. Defendant was required to accommodate Mr.	44-95
7	Snookal's disability after it rescinded the REM	
8	position from him and filled his previous position.	
9	16. Defendant failed to provide a reasonable	75-95
10	accommodation for Mr. Snookal after it rescinded	
11	the REM position from him and filled his previous	
12	position.	
13	17. Defendant has not met its burden to show no	44-130
14	material disputes of fact exist as to Mr. Snookal's	
15	cause of action for wrongful constructive	
16	discharge.	
17	18. Defendant has not met its burden to show that	44-130
18	no material dispute of fact exists as to Mr.	
19	Snookal's claim for punitive damages.	
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OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

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